



राजपत्र, हिमाचल प्रदेश

हिमाचल प्रदेश राज्यशासन द्वारा प्रकाशित

[अंक 19]

शिमला, शनिवार, 25 दिसम्बर, 1971/4 पौष, 1893

[संख्या 50]

विषय-सूचा

भाग 1	वैधानिक नियमों को छोड़ कर हिमाचल प्रदेश के राज्यपाल और हिमाचल प्रदेश हाई कोर्ट द्वारा अधिसूचनाएं इत्यादि	1282-1287 तथा 1292-1294
भाग 2	वैधानिक नियमों को छोड़ कर विभिन्न विभागों के अध्यक्षों और डिप्टी मैजिस्ट्रेटों द्वारा अधिसूचनाएं इत्यादि	1287-1290
भाग 3	अधिनियम, विधेयक और विधेयकों पर प्रवर समिति के प्रतिवेदन, वैधानिक नियम तथा हिमाचल प्रदेश के राज्यपाल, हिमाचल प्रदेश हाई कोर्ट, काइनेटिकल कमिशनर तथा कमिशनर आफ इन्कम-टैक्स द्वारा अधिसूचित आदेश इत्यादि	—
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भाग 5	वैयक्तिक अधिसूचनाएं और विज्ञापन	1291-1292 तथा 1294
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भाग 7	भारतीय निर्वाचन आयोग (Election Commission of India) की वैधानिक अधिसूचनाएं तथा अन्य निर्वाचन सम्बन्धी अधिसूचनाएं	—
—	अनुपूरक	—

25 दिसम्बर, 1971/4 पौष, 1893 को समाप्त होने वाले सप्ताह में निम्नलिखित विज्ञप्तियां 'असाधारण राजपत्र, हिमाचल प्रदेश' में प्रकाशित हुईं:—

विज्ञप्ति की संख्या	विभाग का नाम	विषय
No. 11-8/69-H&FP (2), dated the 14th December, 1971.	Health and Family Planning Department	Notifying information of all affected persons registered as Nurses, Lady Health Visitors and Midwives etc.
No. 12-11/71-LR, dated the 11th December, 1971.	Law Department	Republishing the Defence of India Act, 1971 (42 of 1971).
No. 4-3/71-CDP (PNT), dated the 23rd November, 1971.	Panchayats Department	The Himachal Pradesh Nyaya Panchayat Rules, 1971.

भाग 1—बैधानिक नियमों को छोड़ कर हिमाचल प्रदेश के राज्यपाल और हिमाचल प्रदेश हाई कोर्ट द्वारा अधिसूचनाएं इत्यादि

हिमाचल प्रदेश हाई कोर्ट

OFFICE ORDER

Simla-1, the 9th December, 1971

No. HHC-Ct. (Hrs)/71-Admn. 10476.—On account of National Emergency, the following office timings will be observed in the High Court of Himachal Pradesh and all the Courts subordinate to it with effect from Monday the 13th December, 1971 till further orders—

Week Days: 9.30 A.M. to 4.30 P.M. with half-an-hour lunch break from 1.30 P.M. to 2.00 P.M.

The Court hours for the High Court will continue as before. The Court hours for all the District Courts will be from 10.00 A.M. to 4.30 P.M. and the office hours from 9.30 A.M. to 4.30 P.M.

2. It is further ordered that Second Saturday of every month will be observed as working day with effect of from Monday the 13th December, 1971, till further orders.

NOTIFICATIONS

Simla-1, the 10th December, 1971

No. HHC/(GAZ)/3-2/71.—It is hereby notified that Hon'ble Mr. Justice O. B. Lal, Judge of the High Court of Himachal Pradesh has taken over the charge of Acting Chief Justice of the High Court of Himachal Pradesh to day the 10th December, 1971 forenoon, in pursuance of the Notification No. 18/71-Judl (B), dated the 4th December, 1971, issued by the Government of India, Ministry of Law and Justice, New Delhi.

Simla-1, the 10th December, 1971

No. HHC/Gaz/3-15/71.—The Hon'ble Chief Justice of High Court of Himachal Pradesh is pleased to accord sanction to the grant of 50 days earned leave for the period from 10th December, 1971 (F.N) to 28th January 1972 (A.N) (both days inclusive) in favour of Shri S.D. Gulzar, Private Secretary.

2. Certified that Shri S. D. Gulzar, would have continued to officiate against the post of, Private Secretary but for his proceeding on leave.

3. Certified that Shri Gulzar will return to duty to the station from where he proceeds on leave.

4. The Hon'ble the Chief Justice is further pleased to order the officiating promotion of Shri Bishan Dass, Assistant (Select list candidate) to the post of Private Secretary in the scale of Rs. 450-800 during the absence on leave of Shri S.D. Gulzar.

Simla-1, the 14th December, 1971

No. HHC (GAZ) 4-2/71.—In exercise of the powers conferred under sub-section (2) of section 12 of the Code of Criminal Procedure, 1888, as amended by the Punjab Separation of Judicial And Executive Functions Act, 1964 (Act No. 25 of 1964) the Hon'ble the Chief Justice and Judges have been pleased to confer upon Shri R.K. Dharmani, Sub-Judge cum Judicial Magistrate, Una, the powers of Judicial Magistrate 1st Class to be exercised within the limits of Kangra District with immediate effect.

Simla-1, the 14th December, 1971

No. HHC 1-18/71.—In exercise of the powers vested by section 139 (b) of the Code of Civil Procedure (Act V of 1908) the Hon'ble the Chief Justice and Judges of the High Court of the Himachal Pradesh are pleased to appoint Shri Karam Chand, Advocate as 2nd Oath Commissioner at Dehra, for the period of two years with effect from on the issue of the notification, to administer oaths and affirmation to deponents of affidavits under the said Code in accordance with the terms specified in para 5 of chapter 12-B, Punjab High Court Rules and Order Vol. IV.

Simla-1, the 14th December, 1971

No. HHC. 1-18/71.—In exercise of the powers vested by section 139 (b) of the Code of Civil Procedure (Act V of 1908) the Hon'ble the Chief Justice and Judges of the High Court of Himachal Pradesh are pleased to appoint Shri Sita Ram Chaman as Oath Commissioner at Hamirpur for the period of two years w. e. f. the issue of this notification to administer oaths and affirmation to deponents of affidavits under the said Code in accordance with the terms specified in paragraph 5 of chapter 12-B, Punjab High Court Rules and Order Vol. IV.

Simla-1, the 14th December, 1971

No. HHC (GAZ) 4-2/71.—In exercise of the powers conferred under sections 25 and 27 of the Punjab Courts Act 1918, as amended from time to time, the Hon'ble Chief Justice and Judges of High Court of Himachal Pradesh have been pleased to confer powers of Subordinate Judge 1st Class upon Shri R. K. Dharmani, Sub-Judge cum-Judicial Magistrate, Una to be exercised within the limits of Kangra district with immediate effect.

By order,

KEDAR ISHWAR,
Registrar.

हिमाचल प्रदेश सरकार

EDUCATION DEPARTMENT

NOTIFICATIONS

Simla-2, the 4th December, 1971

No. 12-3/69-Secy.-Edu. (III).—The Governor, Himachal Pradesh is pleased to constitute with immediate effect District Level Committee for implementation of the programme of Adult Literacy under the Pilot Project in the District of Mandi in Himachal Pradesh. The constitution of the Committee will be as under:—

- | | |
|--|----------|
| 1. Deputy Commissioner, Mandi District | Chairman |
| 2. Project Officer, I.A.D.P. Mandi | Member |
| 3. District Agriculture Officer | Member |
| 4. District Public Relations Officer, Mandi | Member |
| 5. District Agriculture Information Officer Mandi. | Member |
| 6. District Education Officer, Mandi | Member |

Simla-2, the 4th December, 1971

No. 12-3/69-Secy.-Edu. (III).—The Governor, Himachal Pradesh is pleased to constitute with immediate effect

State Level Committee for implementation of the programme of Adult Literacy under the Pilot Project in the district of Mandi in Himachal Pradesh. The constitution of the committee will be as under:—

1. Director of Education	Chairman
2. Director of Agriculture	Joint-Chairman.
3. Director of Public Relations	Member
4. Director of All India Radio, Simla	Member
5. Deputy Development Commissioner, Himachal Pradesh.	Member
6. Deputy Director of Agriculture	Member
7. Social Education Officer	Member-Secretary.
8. Agricultural Information Officer	Member.

Simla-2, the 8th December, 1971

No. 3-26/71-Edu.-B.—Whereas it appears to the Governor, Himachal Pradesh, that the “Chapsly” building and its land is likely to be required to be taken by the Himachal Pradesh Government at public expense for public purpose, namely for locating the office of the Board of School Education, Himachal Pradesh, it is hereby notified that land in the locality described below is likely to be acquired for the above purpose.

This notification is made under the provisions of section 4 of the Land Acquisition Act, 1894, to all whom it may concern.

In exercise of the powers conferred by the aforesaid section the Governor, Himachal Pradesh is pleased to authorise the officers for the time being engaged in the undertaking with their servants and workmen to enter upon and survey any land in the locality and do all other acts required or permitted by that section.

Any person interested who has any objection to the

FOREST DEPARTMENT NOTIFICATIONS

Simla-2, the 12th November, 1971

No. 5-4/71-SF.—Whereas it is considered necessary that the rights of the private persons in the portions of the demarcated/protected forests and dehats prescribed in the attached schedule should remain suspended for a period of 15 years for purpose of regenerating a Periodic Block I area felled according to the prescription of the Working Plan, whereas the remainder of such forests are sufficient and in a locality reasonably convenient for the due exercise of the rights and whereas it is considered necessary to prohibit the doing of any or all of the acts mentioned in clause (c) of section 30 of the Indian Forest Act, 1927 (XVI of 1927).

2. Now, therefore, in exercise of the powers conferred by section 30 of the Indian Forest Act (XVI of 1927) the Governor of Himachal Pradesh is pleased to declare that the portion of demarcated forests and dehats situated in Chopal Forest Division as per schedule attached shall be closed for a period of 15 years from the date

acquisition of the said building and land in the locality may within thirty days of the publication of this notification, file an objection in writing before the Collector of Simla district.

SPECIFICATION

District:	SIMLA	Tehsil:	SIMLA
Village/Town	Khasra No.	Area	
SIMLA	432/1, 432/2, 783/432, 432/4, 432/5, 432/6, and 432/7.	10,428-30 square metres (1272 Sq. yards and 1 square foot).	

By order,
PRAKASH CHAND,
Secretary.

EXCISE AND TAXATION DEPARTMENT NOTIFICATION

Simla-2, the 11th December, 1971

No. 11-4/71-E&T.—In exercise of the powers vested in him under section 56 of the Punjab Excise Act, 1914 as applied to Himachal Pradesh, the Governor, Himachal Pradesh is pleased to exempt the stocks of rum provisioned and moved for consumption by Armed Forces from the payment of duty and license fee as well as from obtaining permits during the national emergency. With regard to other supplies, the existing instructions shall hold good.

By order,
C. M. CHATURVEDI,
Secretary.

of this notification and the rights of private persons over such portion shall remain suspended during the said period of 15 years and he is further pleased to prohibit from the date of this notification—

- the quarrying and removal of stones;
- the burning of lime stone and charcoal;
- the breaking up of or clearing for cultivation, for building, for herding cattle or for any other purpose;
- grazing by all kinds of animals (cattle) throughout the year;
- lopping and cutting of trees and bushes throughout the year;
- the collection or subjection to any manufacturing process or removal of any forest produce in or over or from portion so closed;
- cutting of grass throughout the year.

Note.—Grass cutting may be permitted free to right-holders on permits on such terms and conditions as may be made and imposed at the discretion of the Divisional Forest Officer, Chopal Forest Division, Chopal.

SCHEDULE

STATEMENT SHOWING THE AREAS TO BE CLOSED IN SARAJN RANGE, CHOPAL FOREST DIVISION, HIMACHAL PRADESH

Sl. No.	District	Tehsil	Illaqau	Name of forest and comptt.	Total area of comptt. in hect.	Area to be closed in hect.	Purpose for which the area to be closed	Boundaries			
								North	East	West	South
2	3	4	5	6	7	8	9	10	11	12	
1.	Mahasu	Chopal	Bahal	Sh. C. I. (P.B. I)	50.18 hect.	50.18 hect.	Regeneration.	Sari Nala and Deothi	Lehat to Sari village	Saptadhar and Lehat	Changru nali and

1	2	3	4	5	6	7	8	9	10	11	12
									Dehat.	path, dehat.	Sari dehat
									Sap'adhar		
									& C. No. 1.		

P. C. SHARMA,
Secretary.

Simla-2, the 6th December, 1971

No. 5-2/71-SF.—Whereas the owners of the majority of the shares in the land specified in the schedule below have with a view to the conservation of the forests thereon represented in writing to the Collector of the district that the said land may be managed on their behalf by the Himachal Pradesh Government as a protected forests on such terms as may be mutually agreed upon.

Now, therefore, the Governor of Himachal Pradesh in exercise of the powers conferred by section 38 of the Indian Forest Act, 1927 is pleased to declare that section 30, 32, 33, 34 and 68 of the said Act, shall apply to the land specified in the schedule below:—

SCHEDULE

District: KANGRA Tehsil: DEHRA

Village with H.B. No.	Description
HAR, H.B. No. 54 'A'	Khasra No. 3168, 2169, 2171, 2172, 2173/1, 2175, 2185, 2188, 2211 to 2219, 2230, 2233, 2238, 2239, 2354, 2357, 2367, 2393 to 2399, 2495 to 2498, 2500, 2504, 2514, 2521 to 2525, 2564, 2862, 2864, 2883 to 2903, 2909, 2918 and 2919. 260 acres.
SUNHET H.B. No. 58 'A'	Khasra No. 1767, 2285, 2300, 2332, 2324 to 2336, 2343 to 2346, 2350 to 2353, 2356, 2358 to 2360, 2367, 2771 to 2780, 2783 to 2790. 24 acres.

Simla-2, the 8th December, 1971

No. 5-2/71-SF.—In pursuance of the provisions of clause (b) of section 30 of the Indian Forest Act, 1927 and all other powers enabling him in this behalf, the Governor of Himachal Pradesh is pleased to declare that the land specified in the schedule appended to Himachal Pradesh Government Notification of even number, dated 6th December, 1971 shall be closed for regeneration for a period of 20 (twenty) years with effect from the date of this notification or for such shorter period as may be found sufficient, and that the rights of private persons in or over the said land shall be suspended during the said period.

K. C. PANDEYA,
Secretary.

GENERAL ADMINISTRATION DEPARTMENT CONFIDENTIAL AND CABINET DEPARTMENT NOTIFICATION

Simla-2, the 12th December, 1971

No. 3-49/71-GAC. In exercise of the powers vested in him under clause (a) of sub-rule (1) of 96 of the Defence of India Rules 1971, the Governor, Himachal Pradesh is pleased to appoint with immediate effect all the District Magistrates and Sub-Divisional

Magistrates to exercise the powers of "Competent Authority" under part XI of the said rules within their respective jurisdiction.

By order,
K. N. CHANNA,
Chief Secretary.

HOME DEPARTMENT

NOTIFICATION

Simla-2, the 10th December, 1971

No. 1-1/62-CCD.—In supersession of notification of even No. dated the 4th December, 1971, and in exercise of the powers conferred upon him under section 17 (a) of the Civil Defence Act, 1968, the Governor, Himachal Pradesh is pleased to direct that the powers of the State Government under the Civil Defence Rules, 1968 shall be exercised by the Director, Civil Defence, in the whole of the State of Himachal Pradesh and by all District Magistrates in the State within their respective jurisdiction during emergency.

By order,
K. N. CHANNA,
Chief Secretary.

HEALTH AND FAMILY PLANNING DEPARTMENT NOTIFICATIONS

Simla-2, the 11th December, 1971

No. 1-132/71-H&FP (4).—The Governor, Himachal Pradesh is pleased to appoint Dr. Surinder Pal Sareen as Civil Assistant Surgeon Grade I in the scale of Rs. 350-25-500-30-590/30-830-35-900 on *ad hoc* basis for a period of one year from 22-9-1971 (F.N.) or till the post is filled up on regular basis whichever is earlier.

Simla-2, the 10th December, 1971

No. 1-124-61-H&FP(4).—The Governor, Himachal Pradesh is pleased to appoint Dr. Kanwal Kishore Vaidya as Dental Surgeon in the scale of Rs. 350-25-500-30 590/30 830 35-900 on *ad hoc* basis for a period of one year from 31st May, 1971 (F.N.) or till the post is filled up on regular basis, whichever is earlier.

S. L. TALWAR,
Under Secretary.

LABOUR DEPARTMENT NOTIFICATION

Simla-2, the 11th December, 1971

No. 10-61/71-SI.—The Governor of Himachal Pradesh is pleased to order that all shops and commercial establishments in Himachal Pradesh (excepting the Banks and offices of the Life Insurance Corporation of India) covered under the Himachal Pradesh Shops and Commercial Establishments Act, 1969 shall remain closed on every Tuesday instead of every Sunday till further orders in public interest.

This shall take effect from the date of issue of this notification.

By order,
P. K. MATTOO,
Secretary.

**PUBLIC WORKS DEPARTMENT
NOTIFICATIONS**

Simla-2, the 4th December, 1971

No. 2-35/70-PWD.—Whereas the Governor, Himachal Pradesh is satisfied that the land is required to be taken by the Government at public expense for a public purpose, namely for the Panchayat Bhavan, it is hereby declared that the land described in the specification below is required for the above purpose.

2. The declaration is made under the provisions of section 6 of the Land Acquisition Act, 1894 to all whom it may concern and under the provisions of section 7 of the said Act, the Collector, Land Acquisition, Himachal Pradesh Public Works Department is hereby directed to take order for the acquisition of the said land.

3. A plan of the land may be inspected in the office of the Collector, Land Acquisition, Himachal Pradesh Public Works Department, Simla-1.

SPECIFICATION

District: SIMLA		Tehsil: SIMLA	
Village	Khasra No.	Area	
1	2	Sq. Yds.	Sq. ft.
3	4		
S/W CHHOTA SIMLA	111/1	479	7
PREMISES KNOWN	111/2	64	2
AS HIMLAND HOTEL	111/3	39	0
ESTATE	111/4	88	3
	111/6	28	2
	111/7/1	4	5
	520/111	2030	6
Total	..	2734	7

By order,
L. HMINGLIANA TOCHHAWNG,
Secretary.

Simla-2, the 11th December, 1971

No. 1-11/69-PWD.—The Governor, Himachal Pradesh on the recommendations of the Departmental Promotion Committee Class I is pleased to appoint Shri G. N. Ramaswamiah, Officiating Executive Engineer, Himachal Pradesh Public Works Department who is holding acting charge of the Superintending Engineer, 8th Circle, Himachal Pradesh P. W. D. to the post of Superintending Engineer, Public Works Department Himachal Pradesh, on officiating basis in the scale of Rs. 1600-50-1800-100-2000 w. e. f. 17th August, 1970 (A.N.) (the date on which he took over as acting charge of the post of Superintending Engineer). His seniority in the grade of Superintending Engineer in the cadre of Himachal Pradesh Public Works Department will be notified later on.

2. Shri Ramaswamiah will continue as Superintending Engineer, 8th Circle, Himachal Pradesh Public Works Department, Hamirpur.

Simla-2, the 14th December, 1971

No. 1-209/69-PWD.—In view of the stay granted by the Hon'ble High Court of the Himachal Pradesh in C. M. P./261/70, dated the 3rd November, 1971, the Governor, Himachal Pradesh is pleased to stay operation of the retirement order issued vide this Department notification of even number, dated the 15th October, 1971, till further orders.

L. HMINGLIANA TOCHHAWNG,
Secretary.

Simla-2, the 14th December, 1971

No. 1-238/69-PWD.—The Governor, Himachal Pradesh on the recommendation of the Departmental Promotion Committee held on 2nd September, 1961 the proceedings of which were kept in a sealed cover pending decision in a vigilance case against Shri C. L. Kapoor. Sectional Officer, 2nd Circle, Simla, is pleased to promote Shri C. L. Kapoor, S.O. to the post of Assistant Engineer in the scale of Rs. 400-30-700/40-1100 with immediate effect.

The Governor, Himachal Pradesh is further pleased to order that the pay of Shri C. L. Kapoor shall be notionally fixed as Assistant Engineer with effect from 21st April, 1964, the date on which Shri K. P. Kapoor, who was promoted on the recommendations of the same D.P.C. and assigned position in the seniority below Shri C. L. Kapoor. The seniority to Shri C. L. Kapoor as Assistant Engineer, shall be assigned above Shri K. P. Kapoor, Assistant Engineer.

The posting order of Shri Kapoor, will be issued separately.

B. D. SHAUNAK,
Under Secretary.

**REVENUE DEPARTMENT
NOTIFICATIONS**

Simla-2, the 3rd December, 1971

No. 1-17/69-Rev. I.—In exercise of the powers vested in him under clause (a) of sub-section (1) of section 28 of the Himachal Pradesh Land Revenue Act, 1953 (6 of 1954), the Governor, Himachal Pradesh is pleased to confer on the following Sub-Divisional Officers (Civil), all the powers of a Collector under the said Act to be exercised by them within the local limits of their respective jurisdictions as specified against each, from the date each of them took over the charge of the post. They shall be subject to the control of the Collector of the District concerned.

Name of Officer	Area of jurisdiction
1. Shri Kashmir Singh, Sub-Divisional Officer (Civil), Bilaspur.	Bilaspur Sub-Division, District Bilaspur.
2. Shri Budh Ram, Sub-Divisional Officer (Civil), Ghumarwin.	Ghumarwin Sub-Division, District Bilaspur.
3. Shri M. C. Padam, Sub-Divisional Officer (Civil), Pangi.	Pangi Sub-Division District Chamba.
4. Shri Het Ram, Sub-Divisional Officer (Civil), Churah and Chamba.	Churah and Chamba Sub-Division, District Chamba.
5. Shri A.R. Basu, Sub-Divisional Officer (Civil), Bharmaur.	Bharmaur Sub-Division, District Chamba.
6. Shri Shamsheer Singh, Sub-Divisional Officer (Civil), Dalhousie.	Dalhousie Sub-Division, Chamba District.
7. Shri V. P. Chaudhry, Sub-	Nichar Sub-Divi-

Name of Officer	Area of Jurisdiction
Divisional Officer (Civil), Nihar.	sion, District Kinnaur
8. Shri Raj Mani, Sub-Divisional Officer (Civil), Pooh.	Pooh Sub-Division, District Kinnaur.
9. Shri Laljee Singh, Sub-Divisional Officer (Civil), Rohru.	Rohru Sub-Division, District Mahasu.
10. Shri Nihal Singh, Sub-Divisional Officer (Civil), Rampur.	Rampur Sub-Division, District Mahasu.
11. Shri Mohinder Lal, Sub-Divisional Officer (Civil), Kasumpti.	Kasumpti Sub-Division, District Mahasu.
12. Shri Arvind Kaul, Sub-Divisional Officer (Civil), Solan.	Solan Sub-Division, District Mahasu.
13. Shri Y. R. Mahajan, Sub-Divisional Officer (Civil), Sundernagar.	Sundernagar Sub-Division, District Mandi.
14. Shri Jai Chand, Sub-Divisional Officer (Civil), Sarkaghat.	Sarkaghat Sub-Division, District Mandi.
15. Shri C. D. Parseera, Sub-Divisional Officer (Civil), Joginder-nagar.	Joginder Nagar Sub-Division, District Mandi.
16. Shri Hari Singh, Sub-Divisional Officer (Civil), Chachiot and Mandi; Sadar.	Chachiot and Mandi Sadar Sub-Division, District Mandi.
17. Shri Shamsher Singh, Sub-Divisional Officer (Civil), Rajgarh.	Rajgarh Sub-Division, District Sirmur.
18. Shri R. S. Chopra, Sub-Divisional Officer (Civil), Paonta Sahib.	Paonta Sahib sub-Division, District Sirmur.
19. Shri Karam Singh, Sub-Divisional Officer (Civil), Nahan.	Nahan Sub-Division, District Sirmur.
2. This notification supersedes all the notifications previously issued in this behalf.	

By order,

S. R. MAHANTAN,
Deputy Secretary.

Simla-2, the 6th December, 1971

No. 1-17/69-Rev. I.—In this Department Notification of even number, dated the 3rd December, 1971, regarding vesting of powers upon the Sub-Divisional Officer (Civil), in the old areas of Himachal Pradesh under the Himachal Pradesh Land Revenue Act, 1953 (5 of 1954), the following corrections shall be made, namely:—

1. After serial No. 12, the following serial No., Name of officer and area of jurisdictions shall be inserted:—

No.	Name of officer	Area of jurisdiction
12-A	Shri Vinod Lall, Sub-Divisional Officer (Civil), Theog.	Theog Sub-Division, District Mahasu.

2. Against serial No. 13, for the name "Y. R. Mahajan" the name, "Sohan Singh" shall be substituted.

By order,

V. K. AGNIHOTRI,
Deputy Secretary.

Simla-2, the 7th December, 1971

No. 4-20/71-Rev.-Cell.—Whereas it appears to the Governor, Himachal Pradesh Government, that land is likely to be required to be taken by the Himachal Pradesh Government at the public expense for a public purpose namely for the "construction of approach road to Dehar Trestle in village Dehar, Tehsil Sundernagar, District Mandi, Himachal Pradesh, it is hereby notified

that land in the locality described below is likely to be acquired for the above purpose.

This notification is made under the provision of section 4 of Land Acquisition Act, 1894, to all whom it may concern.

In exercise of the powers conferred by the aforesaid Section the Governor, Himachal Pradesh is pleased to authorise the officers for the time being engaged in the undertaking with their servants and workmen to enter-upon and survey any land in the locality and do all other acts required or permitted by that section.

Any person interested who has any objection to the acquisition of the said land in the locality may, within thirty days of the publication of this notification, file an objection in writing before the Land Acquisition Collector, Beas-Sutlej Link Project, Mandi District, Mandi, Himachal Pradesh.

SPECIFICATION

District: MANDI

Tehsil: SUNDERNAGAR

Village	Khasra No.	Area Big. Bis. Bisw.
DEHAR	149	0 0 12
	150	0 1 5
	346	0 1 1
Total		0 2 18

By order,

L. HMINGLIANA TECHHAWNG,
Secretary.

Simla-2, the 7th December, 1971

No. 2-13/71-Rev. I.—In exercise of the powers vested in him under section 3 (c) of the Land Acquisition Act, 1894 (Act No. 1 of 1894) and all the powers enabling him in this behalf, the Governor, Himachal Pradesh is pleased to appoint Shri Hazara Singh, Land Acquisition Officer, Mandi and Kulu districts to perform the functions and exercise the powers of Collector under the said Act in respect of acquisition of land for Public Works (B & R) Department Himachal Pradesh, for the areas falling under his jurisdiction from the date he took over the charge of the post of Land Acquisition Officer, Mandi and Kulu.

V. K. AGNIHOTRI,
Deputy Secretary.

TRANSPORT DEPARTMENT

CORRIGENDUM

Simla-2, the 29th November, 1971

No. 6-25/61-Tpt.—In this Department notification of even number, dated the 25th June, 1970 read with notification of the same number, dated the 1st May, 1971 against serial No. 4, for the words "Magistrate 1st Class, Sadar, Bilaspur" the word "Sub-Divisional Officer (O), Sadar, Bilaspur" shall be substituted.

NOTIFICATION

Simla-2, the 13th December, 1971

No. 5-23/70-Tpt.—In exercise of the powers conferred by rule 96 (1) (a) of the Defence of the India Rules, 1971, the Governor, Himachal Pradesh is pleased to declare all the District Magistrates in Himachal Pradesh

as the "Competent Authority" for the requisitioning of motor vehicles and to control their use in Himachal Pradesh.

even number, dated 9-1-1971.

By order,
P. K. MATTOO,
Secret ry.

2. This supersedes this Department notification of

भाग 2—वैधानिक नियमों को छोड़ कर विभिन्न विभागों के अध्यक्षों और जिला मजिस्ट्रेटों द्वारा अधिसूचनाएं इत्यादि

CO-OPERATIVE DEPARTMENT ORDER

Nahan, the 3rd August, 1971

No. CSI(14)/60.—Consequent upon the transfer of Shri Jagtinder Singh, Liquidator of the Naveen Industrial Co-operative Society, Ltd., Nahan, I. L. C. Kapoor, Assistant Registrar, Co-operative Societies, Sirmur District Nahan, in exercise of the powers conferred upon me under section 79 of the Himachal Pradesh Co-operative Societies Act, 1968 (No. 3 of 1969) read with the Himachal Pradesh Government notification No. 15-8/69-Co-op. (S)-III, dated 4th June, 1971, do hereby appoint the Circle Inspector, Co-operative and Supplies, Nahan as Liquidator of the aforesaid society, with immediate effect. He is also empowered to exercise all the powers as defined in section 80 of the H. P. Co-operative Societies Act, 1968 (No. 3 of 1969). The liquidation proceedings must be completed within a period of three months positively.

L. C. KAPOOR,
Assistant Registrar.

OFFICE OF THE DISTRICT MAGISTRATE MAHASU DISTRICT, HIMACHAL PRADESH OFFICE ORDER

Simla, the 9th December, 1971

No. 13939.—In exercise of the powers vested in me under rule 3.10 of the Punjab Motor Vehicle Rules, 1940, as applicable in Himachal Pradesh the following Sub-Divisional Officers (Civil) are hereby appointed to serve as member in the Board of Inspection for the areas/places shown against each in addition to the Motor Vehicle Inspector, already appointed by the Government:—

1. Sub-Divisional Officer For Mahasu district (Civil), Sadar.
2. Sub-Divisional Officer (Civil), For Rampur Sub-Division.
3. Sub-Divisional Officer For Solan Sub-Division.

S. K. ALOK,
District Magistrate.

OFFICE OF THE DIVISIONAL FOREST OFFICER HAMIRPUR FOREST DIVISION NOTIFICATION

Hamirpur, the 2nd December, 1971

No. 5640/G.—In exercise of the powers vested in me under clause 18 of the Kulu, Kangra and Gurdaspur Forest Produce Transit (Land Routes) Rules, 1965, published vide Punjab Government Notification No. 3776- (VI)-65/1782, dated 19th May, 1965, it is notified that the information of all concerned that on Bhotarsar Public Works Department Road at "Barsar" has been declared as Check Post for the checking and controlling of forest produce within the jurisdiction of Hamirpur Forest Division.

T. S. PATYAL,
Divisional Forest Officer.

FOREST DEPARTMENT PANGI FOREST DIVISION, KILAR

Kilar, the 2nd December, 1971

No. C. XIII. 1/57178.—In exercise of powers vested in me under rule 9 of the Chenab River Rules notified under Himachal Pradesh Government (Forest Department) notification No. Ft. 29-255/48 dated 20th June, 1951 read with No. Ft. 43-57/50 (M) dated 20th June, 1963, the following rates of fees for launching and floating of timber in Chenab (Chandra Bhaga) river and its tributaries within the jurisdiction of Himachal Pradesh are fixed for the year ending 30th June, 1972. This order will come into force from 1st July, 1971.

S. No.	Description of timber	Rate per Unit
1.	Logs of all kinds	15 Paise each
2.	B. G. Sleepers and sawn scantlings all description.	10 Paise each
3.	Hakries of all description.	5 Paise each
4.	Fire wood scraps (per qtl.).	5 Paise
5.	Bamboos (per hundred)	20 Paise

Sd/-
Divisional Forest Officer,
Pangi Forest Division, Kilar.

DIRECTORATE OF HORTICULTURE NOTIFICATION

Simla-2, the 8th December, 1971

No. 2-50/71-Udyan. II.—In exercise of the powers vested in me, vide rule 1.26 of Himachal Pradesh Financial Rules, 1971, Volume I, I hereby declare the following officers as Head of Offices and Drawing and Disbursing Officer and Deputy Director of Horticulture, Himachal Pradesh as Controlling Officer, in respect of the head "E-4—Plant Protection Scheme Plan and Non-Plan" and under major head "31—Agriculture". These officers will also exercise the powers of Controlling Officer for the purpose of countersignatures of T.A. and Medical Claim of the staff working under them under the said scheme:—

Sl. Designation of Head of Offices and Drawing and Disbursing Officer

1. All District Horticultural Officers, in Himachal Pradesh.
2. The Assistant Horticulturist, Kulu for Kulu district till the regular D.H.O. Kulu is appointed.
3. Assistant Bee-keeping Development Officer, Naubahar, Simla-2.
4. Procurement and Sales Officer at Directorate level.
5. Assistant Entomologist, Kangra.

HARBANS SINGH,
Director.

INDUSTRIES DEPARTMENT DECLARATION UNDER SECTION 24 OF THE PUNJAB STATE AID TO INDUSTRIES ACT, 1935 Dharamsala, the 6th December, 1971

No. Ind. (Loas) L/DIO 1457.—Whereas a notice was served on Shrimati Inder Kaur w/o Shri Kirpal Singh

Kotwali Bazar, Dharamsala, Tehsil and District Kangra Himachal Pradesh on the 18th May, 1971, under section 23/27 of the Punjab State Aid to Industries Act, 1935, calling upon the said Shrimati Inder Kaur w/o Shri Kirpal Singh to pay to me the sum of Rs. 5,000 with interest thereon at the rate of 9% per annum from 28th February, 1970 till date of final payment and whereas the said sum has not been paid in full, I hereby declare that the sum of Rs. 5,000 with further interest thereon at the rate of 9% per annum from 28th February, 1970 till date of final payment is due from the said Shrimati Inder Kaur w/o Shri Kirpal Singh and that the property described in the attached schedule is liable for the satisfaction of the said debt.

SCHEDULE

All assets present and to be hereinafter acquired by the loanee, whether the said assets are present or in future in her name including book debts, stocks, shares, premises and machinery and equipment, whether these assets existing or to be purchased with the aid of loan or a part thereof and security offered by her surties S/Shri Teja Singh s/o Shri Mukand Singh and Kirpal Singh s/o Shri Partap Singh.

V. P. GUPTA,
District Industries Officer,
Kangra.

DECLARATION UNDER SECTION 24 OF THE PUNJAB STATE AID TO INDUSTRIES ACT, 1935

Dharamsala, the 6th December, 1971

No. Ind. (Loans) (L/DIO/1283).—Whereas a notice was served on Shri Kanshi Ram s/o Shri Sant Ram, village and P. O. Hamirpur, Distt. Kangra (Himachal Pradesh) on the 19th May, 1971 under section 27 of the Punjab State Aid to Industries Act, 1935, calling upon the said Shri Kanshi Ram s/o Shri Sant Ram to pay to me the sum of Rs. 1,000 with interest thereon at the rate of 8 per annum from 31st March, 1969 till date of final payment and whereas the said sum has not been paid in full, I hereby declare that the sum of Rs. 1,000 with further interest thereon at the rate of 8% per annum from 31st March, 1971 till date of final payment is due from the said Shri Kanshi Ram s/o Shri Sant Ram and that the property described in the attached schedule is liable for the satisfaction of the said debt.

SCHEDULE

All assets present and to be hereinafter acquired by the loanee, whether the said assets are present or in future in his name including book debts, stocks, shares, premises and machinery and equipment whether these assets existing or to be purchased with the aid of loan or part thereof and any other personal security of the loanee.

V. P. GUPTA,
District Industries Officer,
Kangra.

PUBLIC WORKS DEPARTMENT NOTIFICATION

Dalhousie, the 1st December, 1971

No. SE. VII/R-47/69-IV.—Whereas it appears to the Governor, Himachal Pradesh that the land is likely to be required to be taken by the Himachal Pradesh Government at the public expense for a public purpose, namely for the widening of road from Bus Stand to G. P. O.

is hereby notified that land in the locality described below is likely to be acquired for the above purpose.

This notification is made under the provisions of section 4 of the Land Acquisition Act, 1894 to whom it may concern.

In exercise of the powers conferred by the aforesaid section, the Governor, Himachal Pradesh is pleased to authorise the officers for the time being engaged in the undertaking with their servants and workmen to enter upon and survey any Land in the locality and all other acts required or permitted by that section.

Any person interested who has any objection to the acquisition of the said land in the locality may, within thirty days of the publication of this notification, file an objection, in writing before the Collector of Land Acquisition, Himachal Pradesh Public Works Department, Chamba.

SPECIFICATION

District: CHAMBA

Tehsil: BHATTIYA

Village	Khasra No.	Area in hactar
DALHOUSIE (422)	307/128/1	0.16
DALHOUSIE (422)	384/149/1	0.08

By order,
AMARJIT SINGH,
Superintending Engineer,
7th Circle

CORRIGENDA

Kulu, the 3rd December, 1971

No. SE. VI. LA-1-Gi-4728-31.—The area again Khasra No. 69/1 of village Karpal falling on Miyar Nalla Road published in Rajpatra, dated 13th November 1971, page 1125 may be read as "0-10-0" instead of "1-10-0".

K. C. SHANDIL,
Superintending Engineer,
6th Circle, H.P.P.W.D., Kulu

Simla-3, the 10th December, 1971

No. SE-II-R-54/XV-17681-84.—In partial modification of notification issued vide this office No. SE-II-R-54/XV-13572-76, dated 1-10-71 under section 4 of the Land Acquisition Act, 1894, for construction of Chopra Dadahu road in village Boia Khasra No. 5965/ erroneously notified should be read as 5965/90/1.

NOTIFICATION

Simla-3, the 11th December, 1971

No. SE-II-R-54/17794-97.—Whereas it appears to the Governor, Himachal Pradesh that the land is required to be taken by the Government at public expense for a public purpose, namely for construction of Rarang-Ribbi road, it is hereby declared that the land described in the specification below is required for the above purpose.

The declaration is made under the provisions of section 6 of the Land Acquisition Act, 1894 to all whom it may concern and under the provisions of section 1 of the said Act, the Collector, Land Acquisition, Himachal Pradesh P. W. D. is hereby directed to take order for the acquisition of the said land.

A plan of the land may be inspected in the office of the Collector, Land Acquisition, Himachal Pradesh P.W.D., Kalpa, District Kinnaur.

SPECIFICATION

District:	KINNAUR	Tehsil:	MOORANG
Village	Khasra No.	Area Big. Bis.	
RIBBA	2490/1/1	0 7	

CORRIGENDA

Simla-3, the 10th December, 1971

No. SE-II-R-54/XV-17685-89.—In partial modification of notification issued vide this office No. SE-II-R-54/XIII-12303 06, dated 9-9-71 under section 4 of the Land Acquisition Act, 1894 for construction of Matiana-Baragaon road in village Sarahan Khasra No. 428 should be read as Khasra 528.

Simla-3, the 11th December, 1971

No. SE-II-R-54/XV-17770-73.—In partial modification of the notification issued vide this office No. SE-II-R-54/12307-10, dated 9-9-71 under section 4 of Land Acquisition Act, 1894 for acquisition of land for constyuction of Matiana-Baragaon Road in village Ofhar area Khasra No. 140 should be read as 8 Bighas 1 Biswas instead of 8 Bighas 10 Biswas.

Simla-3, the 11th December, 1971

No. SE-II-R-54/XV-17774-77.—In partial modification of notification issued vide this office No. SE-II-R-54/XIII-12291-94, dated 9-9-71 under section 4 of the Land Acquisition Act, 1894 for acquisition of land for constructing Matiana Baragaon road name of village already notified as "Jangal Maharduda" should be read as "Jungle Mehduda Tha kalari".

Simla-4, the 11th December, 1971

No. SE-II-R-54/XV-17778-81.—In partial modification of the notification issued vide this office letter No. SE-II-R-54/13604-9, dated 1-10-71 under section 4 of the Land Acquisition Act, 1894 for construction of Shallu Dhabas Road in village Chorgaon, the following amendment should be made:—

Khasra No. 2176 area 0 Bigha 5 Biswas should be insisted in between Khasra Nos. 2172, 0 Bigha 5 Biswas and 2166/2, 0 Bigha 3 Biswas.

Simla-3, the 11th December, 1971

No. SE-II-R-54/XV-17782-85.—In partial modification of the notification issued vide this office No. SE-II-R-54/XIII-12311-14, dated 9-9-71 issued under section 4 of the Land Acquisition Act, 1894 for construction of Matiana-Baragaon road in village Shelog Khasra No. 163/4 appearing in between Khasra No. 462/4 and 465/4 should be read as Khasra No. 463/4.

Simla-3, the 11th December, 1971

No. SE-II-R-54/XV-17786-89.—In partial modification of notification issued vide this office No. SE-II-R-54/XIII-12327-31, dated 9-9-71 issued under section 4 of the Land Acquisition Act, 1894, for acquisition of land for construction of Matiana-Baragaon road; the following amendments may be carried out:—

1. Name of village should be read as Pawchi instead of Pavcha already notified.

2. Area of Khasra No. 106 appearing in between Khasra No. 105 and 108 should be read as 0 Bigha 19 Biswas instead of 0 Bigha 9 Biswa.

Simla-3, the 11th December, 1971

No. SE-II-R-54/XV-17790-93.—In partial modification of notification No. SE-II-R-54/XIII-12271-74, dated 9-9-71 issued under section 4 of Land Acquisition Act, 1894 in respect of land to be acq ired for construction of Matiana-Baragaon road in village Shedri, the area of land comprising Khasra No. 245 should be read as 0 Bigha 9 Eiswa instead of 0 Bigha 0 Biswa already notified.

Simla-3, the 11th December, 1971

No. SE-II-R-54/XV-17762-65.—In partial modification of this office notification issued vide No. SE-II-R-54/XIV-12255-58, dated 9-9-71 issued under section 4 of the Land Acquisition Act, 1894 for acquisition of land for the construction of Rohru-Chargaon-Dodrakawar road Khasra No. 499/1 appearing in between Khasra Nos. 499/1 and 534/1 should be read as 499/2.

Simla-3, the 11th December, 1971

No. SE-II-R-54/XV-17766-69.—In partial modification of the notification issued vide this office No. SE-II-R-54/XV-13588-92, dated 1-10-71 issued under section 4 of the Land Acquisition Act 1894, for acquisition of land for Chopal-Dahahu road, the name of village should be read as Chafan instead of Chafal already notified.

Simla-3, the 11th December, 1971

No. SE-II-R-54/XV-17753-57.—In partial modification of notification issued vide this office No. SE-II-R-54/XIII-12299-302, dated 9-9-71 under section 4 of the Land Acquisition Act, 1894, for acquisition of land for construction of Matiana-Baragaon road in village Bagain area for Khasra No. 11-5 appearing in between Khasra Nos. 162 and 171 should be read as 19 Bighas 11 Biswas instead of 10 Bighas 11 Biswas.

Simla-3, the 11th December, 1971

No. SE-II-R-54/XV-17753-61.—In partial modification of notification No. SE-II-R-54/XV-13551-54, dated 1-10-71 issued under section 4 of Land Acquisition Act, 1894 for acquisition of land for the construction of Tikar Man h'i Rohru road in village Badshal, the area of land to be acquired in Khasra No. 35/203 erroneously notified as 6 Bighas and 19 Biswas should be read as 1 Bigha and 19 Biswas.

NOTIFICATIONS

Whereas it appears to the Governor, Himachal Pradesh, that the land is required to be taken by the Government at public expense for a public purpose*. It is hereby declared that the land described in the specification below is required for the said* purpose.

The declaration is made under the provisions of of section 6 of the Land Acquisition Act, 1894 to all whom it may concern and under the provisions of section 7 of the said Act, the Collector, Land Acquisition, Himachal Pradesh P.W.D., is hereby directed to take order for the acquisition of the said land.

A plan of the land may be inspected in the office of

the Collector, Land Acquisition, Himachal Pradesh
P.W.D., Simla.

No. SE-II-R-54/XV-17746-49

Simla-3, the 11th December, 1971

*Construction of Ghanasidhar-Tikkar road

SPECIFICATION

District: MAHASU

Tehsil: ROHRU

Village	Khasra No.	Area Big. Bis.
HASTARI	374/1	0 11
	374/2	0 8
	431/1	3 15
	431/2	23 18
Total	..	28 12

No. SE-II-R-54/XV-17750-53

Simla-3, the 11th December, 1971

KHALAWN

	227/1	1 13
	227/2	1 2
Total	..	2 15

M. L. BANSAL,
Superintending Engineer,
2nd Circle, H.P., P.W.D. Simla-3.

Office of the Sub-Divisional Officer (Civil)-Cum-Land
Acquisition Collector, Nurpur, Kangra District

NOTICES

FORM J

CASE PB/5124

Whereas a notice under the proviso of sub-section (1) of section 7 of the Requisitioning and Acquisition of Immovable Property Act, 1952 (No. XXX of 1952) as amended up to date were issued by the Competent Authority to the persons named in the Schedule hereto annexed of village Damtal, Tehsil Nurpur, District Kangra, being the owners/interested persons of the property mentioned in the Schedule calling upon them to show cause within the period specified therein why the said property should not be acquired;

And whereas the said period has expired and the cause shown against the said notices has been considered and the parties have been given an opportunity of being heard;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 7 of the said Act, delegated by Government of India, Ministry of Works, Housing and Supply, Gazette notification S. R. O.-2112, dated the 19th December, 1952, I, R. S. Guleria, H.A.S., Sub-Divisional Officer, Civil, Nurpur, having been satisfied that it is necessary so to do, do hereby acquire the said property.

SCHEDULE

Sr. No.	Name of owners/ interested persons	Khasra No.	Area Kls. Mls.
1	Mandir Damtal Bahmam	341/2	1 18
	Mahant Ram Dass Chela	1210/343/2	0 2
	Mahant Lachhman Dass	1217/355/1	1 15
	Chela Mahant Dharam	1217/355/2	45 17
	Dass Gaddi Nashin	1217/355/5	0 13
	Sakindsh	1219/357/2	2 0
2	Provincial Government	1214/347/2	0 2
Total	52 5

FORM J

CASE PB/5047

Whereas a notice under the proviso to sub-section (1) of section 7 of the Requisitioning and Acquisition of Immovable Property Act, 1952 (No. XXX of 1952) as amended up to date were issued by the Competent Authority to the persons named in the schedule hereto annexed of village Damtal, Tehsil Nurpur, District Kangra, being the owners/interested persons of the property mentioned in the Schedule calling upon them to show cause within the period specified therein why the said property should not be acquired.

And whereas the said period has expired and the cause shown against the said notices has been considered and the parties have been given an opportunity of being heard.

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 7 of the said Act, delegated by Government of India, Ministry of Works, Housing and Supply, Gazette notification No. S. R. O. 2112 dated the 19th December, 1952, I, R. S. Guleria, H.A.S., Sub-Divisional Officer (Civil), Nurpur, having been satisfied that it is necessary so to do, do hereby acquire the said property.

SCHEDULE

Sr. No.	Name of land owner/ Interested persons	Khasra No.	Area Kls. Mls.
1	Mandir Damtal Bahmam	3/2	0 8
	Mahant Ram Dass Chela	4/2	11 17
	Mahant Lachhman Dass	5	9 4
	Chela Mahant Dharam	6	16 7
	Dass Gaddi Nashin	7/1	6 2
	Sakindsh	8/1	3 0
		10/4	18 1
		11/2	18 5
		1190/120/2	0 4
		1192/121/2	6 9
		122/1	1 0
Total	90 17

R. S. GULERIA,
Sub-Divisional Officer,
Credit-cum-Land Acquisition Collector.

भाग 3—अर्धनियम, विधेयक और विधेयकों पर प्रवर समिति के प्रतिवेदन, वैधानिक नियम तथा हिमाचल प्रदेश के राज्यपाल, हिमाचल प्रदेश हाई कोर्ट, फाइनेंशियल कमिशनर तथा कमिशनर आफ इन्कम-टैक्स द्वारा अधिसूचित आदेश इत्यादि

गुप्त

भाग 4—स्थानीय स्वायत्त शासन: म्यूनिसिपल बोर्ड, डिस्ट्रिक्ट बोर्ड, नोटिफाइड और टाउन एरिया तथा पंचायत विभाग

शून्य

भाग 5—वैयक्तिक अधिसूचनाएं और विज्ञापन

अप्रदायित साहिब सीनियर सब-जज महोदय, जिला कांगड़ा, मकाम धर्मशाला, हिमाचल प्रदेश

दरखास्त हसूल सर्टिफिकेट जानशीनी नम्बर 23 आफ 1971, बाबत तरका श्री उत्तम सिंह मतवकी (दुरगी) ।

श्रीमती दुरगी देवी बेवा श्री उत्तम सिंह, (2) श्री रवीन्द्र सिंह पुत्र, (3) सुभारानी देवी पुत्री, (4) सरूप रानी पुत्री श्री उत्तम सिंह, सकना पनापुरी, डाकखाना बल्ला, तहसील पालमपुर मसूलयान नं० 2 4 नाबालगान बजरिया श्रीमती दुरगी देवी वाल्दा खुद ।

बनाम

(1) श्रीमती कौशल्या देवी पुत्री श्री उत्तम सिंह जोजा श्री बल्लभ सिंह, (2) श्री कुशल सिंह पुत्र श्री उत्तम सिंह, बासी पनापुरी, तहसील पालमपुर ।

बनाम सर्व जनता

मुकदमा मुन्दाजा उनवान बाला सायलान ने दरखास्त हसूल सर्टिफिकेट जानशीनी बाबत तरका श्री उत्तम सिंह मतवकी अप्रदायित हवा में गुजराती है । लिहाजा हर खास व आम को बजरिया इस्तहार हवा सूचित किया जाता है कि यदि इसकी निस्वत कोई उजर होवे तो बतारोख 19-1-72 हाजर अदालत हवा होकर पेश करें बसुरत दीगर कार्रवाई जाब्ता अमल में आवेगी ।

तहरीर: 4-12-1971

मोहर ।

हस्ताक्षरित,

सीनियर सब-जज कांगड़ा ।

इस्तहार जेर आर्डर 5, रूल 20, जाब्ता दीवानी

अप्रदायित अनाब ए० एल० वैद्य, सीनियर सब-जज, धर्मशाला (जिला कांगड़ा)

मुकदमा दिवानी नं० 129/71

अमर नाथ बनाम बुधि सिंह बगैरा

बनाम

बुधि सिंह, पुत्र भीखम, जात राजपूत, साकन डूहक घनियारा, तहसील पालमपुर ।

बचिच सिंह पुत्र शिवदयाल पुत्र रूलदू, सकना डूहक खुर्द, भीजा आलमपुर, तहसील पालमपुर ।

मुकदमा उनवान बाला में उपरोक्त बुधि सिंह, बगैरह के एक दावा अदालत हवा में दायर हुआ है । जिसकी रू उनके नाम कई बार समन जारी किए गए परन्तु वह समन की मोल करने से जानबूझ कर बचते हैं या कहीं छिप गए हैं । हाजा इनके नाम इस्तहार 5, रूल 20, जाब्ता दीवानी जारी किया जाता है कि आप बुधि सिंह बगैरह तिय 24 जनवरी, 1972

को 10 बजे सबेरे असालतन या वकालतन हाजर आवें । बसुरत कार्रवाई यकतर्का अमल में लाई जावेगी ।

आज तिय 3 दिसम्बर, 1971 को हमारे हस्ताक्षर व मोहर अदालत से जारी हुआ ।

ए० एल० वैद्य,

मोहर ।

सीनियर सब-जज, धर्मशाला ।

इस्तहार जेर आर्डर 5, रूल 20, जाब्ता दीवानी

अप्रदायित अनाब सीनियर सब-जज, धर्मशाला

मुकदमा दीवानी नं० 200/70

खुशी राम बनाम शान्ती स्वरूप बगैरा

बनाम

विजय कुमार पुत्र बाबू राम पुत्र गौरी शाह, सकना उपरला शाहपुर, तहसील व जिला कांगड़ा ।

मुकदमा उनवान बाला में उपरोक्त प्रतिवादी के खिलाफ एक दावा Permanent Injunction दायर हुआ जिसकी रू इसके नाम कई बार समन जारी किए गए परन्तु वह समन की तामील करने से जानबूझ कर बचता है या कहीं छिप गया है । लिहाजा विजय कुमार के खिलाफ इस्तहार जेर आर्डर 5, रूल 20, जाब्ता दीवानी जारी किया जाता है कि वह बराए पेरवी मुकदमा तिय 19 जनवरी, 1972 को 10 बजे सबेरे अदालत हवा में असालतन या वकालतन हाजर आवें । बसुरत एकपक्षीय कार्रवाई अमल में लाई जावेगी ।

आज तिय 2 दिसम्बर, 1971 को हमारे हस्ताक्षर व मोहर अदालत से जारी हुआ ।

ए० एल० वैद्य,

मोहर ।

सीनियर सब-जज, धर्मशाला ।

FORM LR III

Notice under Rule 4 (1) of the Himachal Pradesh Abolition of Big Landed Estates and Land Reforms Rules, 1955

File No. 108 of 71

Before the Compensation Officer Shri C. L. Thakur, District Mandi.

In the matter of Shri Finhu

(Tenant).

Versus

Shri Dina Nath, Jagdish Chand, Chandravati, Mst. Gaitri d/o Savitri wd/o Kanla etc. r/o Mandi Town (Landowners).

To All persons concerned.

Whereas Shri Finhu (Tenant) has applied under sub-section (1) of section 11 of the Himachal Pradesh Abolition of Big Landed Estates and Land Reforms

Act, 1953 for grant of proprietary rights in the land of his tenancy measuring 17-12-9 Bighas (as entered in the Revenue Record) situated in village, Batehar, Pargana Tungle, Tehsil Sadar District Mandi in the ownership of Shri Dina Nath etc. (Landowners).

And whereas a sum of Rs. 451.15 is proposed to be allowed as compensation to be paid by the said Shri Finhu (Tenant) to the said Shri Dina Nath etc. (Landowners) for extinction of the rights, title and interests of the said landowners in the land described above.

Now, therefore, in pursuance of Rule 4(1) of the Himachal Pradesh Abolition of Big Landed Estates and Land Reforms Rules, 1955, it is hereby

notified for information of all persons concerned that objections in regard to the assessment of the said amount of Rs. 451.15 as compensation, shall be received by the undersigned by 12-1-72.

Any person having any objection to make in the matter, may do so in writing addressed to the undersigned on or before the date specified above whereafter no objections shall be received.

Given under my hand and seal, this 9th day of December, 1971.

Seal.

G. L. THAKUR,
Compensation Officer.

भाग 5—भारतीय राजपत्र इत्यादि में से पुनः प्रकाशन (देखिए पृष्ठ 1295 से 1311)

भाग 7—भारतीय निर्वाचन आयोग (Election Commission of India) की वैधानिक अधिसूचनाएं तथा अन्य निर्वाचन सम्बन्धी अधिसूचनाएं

गुप्त

अनुपूरक

गुप्त

PART I

PERSONNEL DEPARTMENT

CORRIGENDUM

Simla-2, the 14th December, 1971

No. 10-5/67-DP-Appnt.—The name Hem Chand be substituted by Khem Dass appearing in this Government notification of even number, dated the 1st December, 1971 in which the powers of Magistrate Second Class have been conferred upon the Naib-Tehsildar, Kot Khai.

NOTIFICATION

Simla-2, the 16th December, 1971

No. 3-14/68-Appnt.—The Governor, Himachal Pradesh is pleased to order the posting of Shri S. S. Negi, a member of H.P.A.S. as Sub-Divisional Officer (Civil), Pangti, (District Chamba) (vacant post) with effect from 5-5-71 to 23-9-71.

2. The Governor, is further pleased to shift the headquarters of the post of Sub-Divisional Officer (Civil), Pangti at Chamba during the period from 5-5-71 to 23-9-71.

B. B. TANDON,
Joint Secretary.

AGRICULTURE DEPARTMENT

NOTIFICATION

Simla-2, the 14th December, 1971

No. 6-17/69-Agr. (Sectt.).—The headings of Forms 'A' 'B' 'C' 'D' 'E' and 'F' prescribed under rules 2, 4, 5, 6 & 11 respectively are substituted as under:—

Form	Existing heading	Substituted heading
'A'	The Himachal Pradesh Agricultural/Pest Diseases and Noxious Weeds Act, 1969	Prescribed under rule 2 of the Himachal Pradesh Agricultural Pests, Diseases and Noxious Weeds Rules, 1971.
'B'	Nil	Prescribed under rule 4 of the Himachal Pradesh Agricultural Pests, Diseases and Noxious Weeds Rules, 1971.
'C'	Nil	Prescribed under rule 5 of the Himachal Pradesh Agricultural Pests, Diseases and Noxious Weeds Rules, 1971.
'D'	Nil	Prescribed under rule 6 of the Himachal Pradesh Agricultural Pests, Diseases and Noxious Weeds Rules, 1971.
'E' & 'F'	Nil	Prescribed under Rule 11 of the Himachal Pradesh Agricultural Pests, Diseases and Noxious Weeds Rules, 1971.

Rule—5. In fifth column of Form 'C' an oblique is inserted between the words 'Field' and 'Khasra No'.

By order,
K. C. PANDEYA,
Secretary.

HORTICULTURE DEPARTMENT NOTIFICATION

Simla-2, the 13th December, 1971

No. 16-1/71-Hort. (Sectt.).—The Governor, Himachal Pradesh is pleased to appoint the following Horticultural Inspectors as District Horticultural Officers in the Class II Gazetted scale of Rs.350-25-500-30-590/30-830-35-900 on *ad hoc* basis for a period not exceeding 3 months or till such time the posts are filled in regularly whichever is earlier:—

S. No.	Name of Horticultural Inspector	Place to which posted as District Horticultural Officer.
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(1)	Shri J. P. Kapoor, Horticultural Inspector, Kulu.	District Horticultural Officer, Kangra district at Dharamsala.
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(2)	Shri V. V. Sharma, Horticultural Inspector, Naubahar, Simla-2.	District Horticultural Officer, Kulu district, Kulu.
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Sd/
Secretary.

PERSONNEL DEPARTMENT (A) NOTIFICATION

Simla-2, the 15th December, 1971

No. 1-3/71-Apptt. (D.P.).—The Governor Himachal Pradesh is pleased to place the services of Shri M. S. Mukherjee, IAS, HP., at the disposal of the Government of India, Ministry of Home Affairs, on deputation basis, with immediate effect in the public interest.

2. The posting orders of Shri Mukherjee as Deputy Commissioner, Simla issued vide notification of even number, dated the 11th December, 1971 are hereby cancelled.

B. B. TANDON,
Joint Secretary.

GENERAL ADMINISTRATION DEPARTMENT CONFIDENTIAL AND CABINET DEPARTMENT NOTIFICATIONS

Simla-2, the 12th December, 1971

No. 3-49/71-GAC.—In exercise of the powers vested in him under sub-rule (1) of rule 111 of the Defence of India Rules, 1971, the Governor, Himachal Pradesh is pleased to authorise with immediate effect all the District Magistrates and Sub-Divisional Magistrates to take action under rule 111 of the said rules within their respective Jurisdiction.

By order,
K. N. CHANNA,
Chief Secretary.

Simla-2, the 12th December, 1971

No. 3-49/71-GAC.—In exercise of the powers conferred by sub-section (2) of section 34 of the Defence of India Act, 1971 (No. 42 of 1971), and all other powers enabling him in this behalf, the Governor, Himachal Pradesh hereby directs that the powers or duties of the State Government conferred or

imposed by the rules mentioned in column No. 1, of the schedule below shall be exercised or discharged by the officers mentioned in column No. 2 of the Schedule below with immediate effect.

SCHEDULE

Defence of India Rules

Designation of the Officers

7, 8, 9, 14, 17, 19, 32, 41, 50, 62, 63, 65, 66, 69, 70, 71, 74, 125, 154, 160, and 163.	All the District Magistrates in Himachal Pradesh within their respective jurisdiction.
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19, 50, 62, 63, 65, 66, 69, 70, 71, 74, 125, 154, 160 and 168.	All the Sub-Divisional Magistrates in Himachal Pradesh within their respective jurisdiction.
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By order,

K. N. CHANNA,
Chief Secretary.

PLANNING DEPARTMENT NOTIFICATION

Simla-2, the 13th December, 1971

No. 9-39/71-PLAN(ESTT.) (a).—The Governor, Himachal Pradesh, on the recommendations of the Himachal Pradesh Public Service Commission is pleased to promote Shri M. L. Kapur, Statistical Assistant, Class III (presently holding the Post of the District Statistical Officer on *ad hoc* basis) as District Statistical Officer against a temporary post in the scale of Rs. 350-25-500-30-590/30-800 with immediate effect.

2. The Governor, on the recommendations of the aforesaid Commission is further pleased to promote the following Statistical Assistants/Technical Assistants to the posts of the District Statistical Officers in the scale of Rs. 350-25-500-30-590/30-800, with immediate effect, against the resultant posts caused by the deputation/selection of Sarvshri C. D. Bhatt and J. C. Kalra to Census Organisation, Himachal Pradesh and Jammu & Kashmir respectively and of Sarvshri R. L. Suri & Naval Kishore to the S. S. B. Organisation.

(1) Shri Brij Bhushan Lal, Technical Assistant.

(2) Shri T. S. Bhasin, Statistical Assistant (at present working as Research Officer in the Economic and Statistical Organisation, Punjab).

(3) Shri Ghanshyam Gupta, Statistical Assistant at present working as District Statistical Officer, Simla on *ad hoc* basis).

(4) Shri Bhuwan Chandra Kandpal, Statistical Assistant. They will stand reverted to their original posts in the event of reversion of the incumbents of these posts to their parent Department. The reversions will be on the basis of juniority.

3. The posting orders of all the above officers have been issued separately.

By order,
B. C. NEGI,
Secretary.

INDUSTRIES DEPARTMENT NOTIFICATION

Simla-2, the 18th December, 1971

No. 10-61/71-SI.—In supersession of this Government notification of even number, dated the 4th December, 1971 and in pursuance of the provision contained in section 9 of the Himachal Pradesh Shops and Commercial Establishment Act, 1967 (Act No. 10 of 1970), the Governor, Himachal Pradesh is pleased to fix the following opening and closing hours for Shops and Commercial Establishments in Himachal Pradesh, covered under the said Act with effect from 18th December, 1971:—

Winter	Opening hours	Closing hours
1st November to 31st March.	9 A.M.	7-30 P.M. (within the limits of Simla Municipal

Winter

Opening hours
9 A.M.

Closing hours
8 P.M.

Corporation)
(throughout Himachal Pradesh Except within the limits of Simla Municipal Corporation).

Summer

1st April to 31st October

9 A.M.

8 P.M.

(throughout Himachal Pradesh)

2. This Department's Notification of even number, dated the 11th December, 1971, regarding closed day has also been withdrawn.

By order,

P. K. MATTOO,
Secretary.

PART V

IN THE COURT OF SHRI R. K. DHARMANI,
SUBORDINATE JUDGE, UNA, DISTRICT
KANGRA, HIMACHAL PRADESH

CIVIL SUIT No. 267/69, 178/1971

Suit for Possession

Raghubir Chand

Plaintiff/s

Versus

1. Balak Ram, 2. Krishan Dutt, 3. Ravi Dutt,
4. Ram Kishan, 5. Ram Murti s/o Hans Raj,
6. Jagdish Ram, 7. Mast Ram, 8. Baldev Prashad s/o
Salig Ram 9. Smt. Dhan Devi wd/o Salig Ram, caste Brah-
man, r/o village Dangoh, P.S. Amb, Tehsil Una, 10. Pirthi
Chand, 11. Mangoo Ram s/o Hardayal at present
residing at Amb, Tehsil Una District Kangra.

Defendants.

Whereas in the above noted case, it has been proved to the satisfaction of the court that the above noted defendants are evading the service of the summons and can not be served normal course of service. Hence this proclamation is hereby issued against them to appear in this Court on the date of hearing on 29th December, 1971 at 10 A.M., personally or through an authorised agent or pleader to defend the case. Failing which *ex parte* proceedings will be taken up against them.

Given under my hand and the Seal of this court to day the 14th of December, 1971.

Seal.

R. K. DHARMANI,
Sub-Judge, Una.

PART VI

LAW DEPARTMENT NOTIFICATION

Simla-4, the 31st January, 1966

No. 8-1/65-LR.—The following Acts passed by Parliament and Ordinance promulgated by the President, which have already been published in the Gazette of India, are hereby republished in the Himachal Pradesh Government Rajpatra for the information of the general public:—

1. The Cardamom Act, 1965 (42 of 1965).
2. The Metal Corporation of India (Acquisition of Undertaking) Act, 1965 (44 of 1965).
3. The Coal Mines Provident Fund and Bonus Schemes (Amendment) Act, 1965 (45 of 1965).
4. The Indian Tariff (Amendment) Act, 1965 (46 of 1965).
5. The Union Duties of Excise (Distribution) Amendment Act, 1965 (47 of 1965).
6. The Additional Duties of Excise (Goods of Special Importance) Amendment Act, 1965 (48 of 1965).
7. The Estate Duty (Distribution) Amendment Act, 1965 (51 of 1965).
8. The Goa, Daman and Diu (Absorbed Employees) Act, 1965 (50 of 1965).
9. The Union Territories (Direct Election to the House of the People) Act, 1965 (49 of 1965).
10. The Indian Tariff (Amendment) Ordinance, 1965 (7 of 1965).

Y. D. SANADHAYA,
Under Secretary (Judicial).

Assented to on 9-12-1965.

THE CARDAMOM ACT, 1965

(ACT No. 42 OF 1965)

AN

ACT

to provide for the development under the Control of the Union of the Cardamom Industry.

Enacted by Parliament in the Sixteenth Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

1. *Short title, extent and commencement.*—(1) This Act may be called the Cardamom Act, 1965.
- (2) It extends to the whole of India:

Provided that it shall not apply to the State of Jammu and Kashmir except to the extent to which the provisions of this Act relate to the control of export of cardamom from India and import thereof into India.

- (3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint:

Provided that different dates may be appointed for different provisions of this Act.

Declaration as to expediency of control by the Union.—It is hereby declared that it is expedient in the public interest that the Union should take under its control the cardamom industry.

3. *Definitions.*—In this Act, unless the context otherwise requires,—

- (a) "board" means the cardamom Board established under section 4;

- (b) "cardamom" means the fruit of cardamom, plant and includes green cardamom, bleached bleachable white cardamom, sun-dried cardamom, cardamom seeds, powdered cardamom and oil extracted from cardamom;
- (c) "cardamom plant" means the cardamom plant *Eleotaria Cardamomum* Maton and any other plant which the Board may, by notification in the Gazette of India, declare to be a cardamom plant for the purposes of this Act;
- (d) "chairman" means the Chairman of the Board;
- (e) "dealer" means a dealer in cardamom;
- (f) "director" means the Director of Cardamom Development appointed under section 7;
- (g) "estate" means an area administered as one unit which contains land planted with cardamom plants;
- (h) "export" and "import" means respectively taking out of or bringing into India by land, sea or air;
- (i) "owner", in relation to any land planted with cardamom plants, includes—
 - (i) any agent of the owner; and
 - (ii) a mortgagee, lessee or other person in actual possession of the land;
- (j) "prescribed" means prescribed by rules made under this Act;
- (k) "registered estate" means an estate in respect of which an owner is registered under sub-section (1) of section 11 and includes any estate in respect of which an owner is required to be registered under the provisions of that sub-section;
- (l) "registered owner" means an owner of a registered estate, who has been, or is required to be, registered under sub-section (1) of section 11;
- (m) "year" means the period of twelve months beginning with the 1st day of September and ending with the 31st day of August next following.

CHAPTER II

THE CARDAMOM BOARD

4. *Establishment and constitution of the Board.*—(1) With effect from such date as the Central Government may, by notification in the Official Gazette, specify in this behalf, there shall be established for the purposes of this Act a Board to be called the Cardamom Board.

(2) The Board shall be a body corporate by the name aforesaid, having perpetual succession and a common seal, with power to acquire, hold and dispose of property, both movable and immovable, and to contract, and shall by the said name sue and be sued.

- (3) The Board shall consist of the following members, namely:—

- (a) a Chairman to be appointed by the Central Government;
- (b) The Director of Cardamom Development, *ex-officio*;
- (c) three Members of Parliament of whom two shall be elected by the House of the People and one by the Council of States;

(d) three members to represent respectively the Ministries of the Central Government dealing with—

- (i) commerce,
- (ii) agriculture, and
- (iii) finance;

(e) such number of other members not exceeding fifteen as the Central Government may think expedient, to be appointed by that Government by notification in the Official Gazette from among persons who are in its opinion capable of representing—

- (i) the Governments of the principal cardamom-growing States;
- (ii) the cardamom growing interests;
- (iii) the cardamom trade interests;
- (iv) the interests of labour;
- (v) the consumers; and
- (vi) such other persons or class of persons who, in the opinion of the Central Government, ought to be represented on the Board.

(4) The number of persons to be appointed as members from each of the categories specified in clause (e) of sub-section (3), the term of office of the members of the Board other than the member referred to in clause (b) of that sub-section, and the manner of filling vacancies among and the procedure to be followed in the discharge of their functions by, the Members of the Board shall be such as may be prescribed.

(5) Any officer of the Central Government, not being a member of the Board, when deputed by that Government in this behalf shall have the right to attend meetings of the Board and take part in the proceedings thereof but shall not be entitled to vote.

(6) The Board shall elect from among its members a Vice-Chairman who shall exercise such of the powers, and perform such of the functions of the Chairman as may be prescribed or as may be delegated to him by the Chairman.

5. *Acts or proceedings of Board or its Committees not to be invalidated.*—No act or proceeding of the Board or any Committee appointed by it under section 8, shall be invalidated merely by reason of—

- (a) any vacancy in, or any defect in the constitution of, the Board or such Committee, or
- (b) any defect in the appointment of a person acting as a member of the Board or such Committee, or
- (c) any irregularity in the procedure of the Board or such Committee not affecting the merits of the case.

6. *Salary and allowances of Chairman.*—The Chairman shall be entitled to such salary and allowances and such conditions of service in respect of leave, pension, provident fund and other matters as may, from time to time, be fixed by the Central Government.

7. *Executive officers of the Board and other staff.*—(1) The Central Government shall appoint a Director of Cardamom Development to exercise such powers and perform such duties under the Chairman as may be prescribed or as may be delegated to him by the Chairman.

(2) The Central Government shall appoint a Secretary to the Board to exercise such powers and perform such duties under the Chairman as may be prescribed or as may be delegated to him by the Chairman.

(3) The Director and the Secretary shall be entitled to such salaries and allowances and be governed by such

conditions of service regarding leave, pension, provident fund and other matters as may be fixed by the Central Government.

(4) Subject to such control and restrictions as may be prescribed, the Board may appoint such other officers and employees as may be necessary for the efficient performance of its functions and pay them such salaries and allowances as it may determine from time to time.

Provided that all officers and other employees of the Directorate of Cardamom Development and Marketing (other than the Director) who hold office as such immediately before the date referred to in sub-section (1), section 4 shall be deemed to have been appointed as officers or employees of the Board with effect from the date and every such officer and employee shall hold office by the same tenure, at the same remuneration and upon the same terms and conditions and with the same rights and privileges as to pension, leave, provident fund and other matters as he would have held the same if this Act had not been passed, and shall continue to do so unless and until his employment is terminated or until such tenure, remuneration and terms and conditions are altered by the Board with the approval of the Central Government.

Provided further that if the alteration so made is not acceptable to any such officer or employee, his employment may be terminated by the Board in accordance with the terms of the contract, if any, with such officer or employee or, if there be no such contract, payment to him by the Board of compensation equivalent to three months' remuneration in the case of permanent employees and one month's remuneration in the case of other employees.

(5) The Chairman, the Director, the Secretary and other employees of the Board shall not undertake any work unconnected with their duties under this Act except with the permission of the Central Government.

8. *Committees of the Board.*—(1) The Board may appoint such Committees as may be necessary for the efficient discharge of its duties and performance of its functions under this Act.

(2) The Board shall have the power to Co-opt members of any Committee appointed under sub-section (1) such other number of persons who are not members of the Board, as it may think fit.

9. *Functions of the Board.*—(1) It shall be the duty of the Board to promote, by such measures as it thinks fit, the development under the control of the Central Government of the cardamom industry.

(2) Without prejudice to the generality of the provisions of sub-section (1), the measures referred to therein may provide for—

- (a) promoting co-operative efforts among growers of cardamom;
- (b) ensuring remunerative returns to growers of cardamom;
- (c) financial or other assistance for improved methods of cultivation and processing of cardamom, for replanting cardamom and for extension of cardamom growing areas;
- (d) regulating the sale and export of cardamom and stabilisation of prices of cardamom;
- (e) training in cardamom testing and fixing grades and standards of cardamom;
- (f) increasing the consumption in India and elsewhere of cardamom and carrying on propaganda for that purpose;

- (g) registering and licensing of brokers (including auctioneers) of cardamom and persons engaged in the business of cardamom;
- (h) improving the marketing of cardamom in India and elsewhere;
- (i) collecting statistics from growers, dealers and such other persons as may be prescribed on any matter relating to the cardamom industry portions the publishing of statistics so collected or thereof or extracts therefrom;
- (j) securing better working conditions and the provision and improvement of amenities and incentives for workers;
- (k) undertaking, assisting or encouraging scientific technological and economic research; and
- (l) such other matters as may be prescribed.

(3) The Board shall perform its functions under this section in accordance with and subject to such rules as may be made by the Central Government.

10. Dissolution of the Board.—(1) The Central Government may, by notification in the Official Gazette, direct that the Board shall be dissolved from such date and for such period as may be specified in the notification.

(2) When the Board is dissolved under the provisions of sub-section (1),—

- (a) all members, notwithstanding that their term of office has not expired, shall, from the date of dissolution, vacate their offices as such members;
- (b) all powers and duties of the Board shall during the period of dissolution, be exercised and performed by such person or persons as the Central Government may appoint in this behalf;
- (c) all funds and other property vested in the Board shall, during the period of dissolution, vest in the Central Government; and
- (d) as soon as the period of dissolution expires, the Board shall be reconstituted in accordance with the provisions of this Act.

CHAPTER III

REGISTRATION OF OWNERS OF CARDAMOM ESTATES

11. Registration of owners of cardamom estates.—(1) Every owner of land planted with cardamom plants, whether such land is comprised in one estate or more than one estate, shall, before the expiration of one month from the date on which he first became owner of such estate or estates or before the expiration of three months from the date of coming into force of this section, whichever is later, apply to the registering officer appointed in this behalf by the State Government to be registered as an owner in respect of each estate owned by him:

Provided that the State Government may, for sufficient reason, extend the time-limit for registration by such period as it thinks fit.

(2) Registration once made shall continue to be in force until it is cancelled by the registering officer.

12. Power of State Government to make rules.—(1) The State Government may, by notification in the Official Gazette, make rules to carry into effect the provisions of section 11.

(2) Without prejudice to the generality of the foregoing power, such rules may prescribe the form of the application for registration and for cancellation of registration, the fee payable on such applications, the parti-

culars to be included in such applications, the procedure to be followed in granting and cancelling registration, the registers to be kept by registering officers, and the supply by registering officers of information to the Board.

13. Returns to be made by registered owners.—(1) A registered owner shall furnish to the Board at the prescribed times and in the prescribed manner such returns as may be prescribed.

(2) The Board may authorise an officer to visit any estate at any time to verify the accuracy of any return made under this section or to ascertain the productive capacity of the estate.

CHAPTER IV

FINANCE, ACCOUNTS AND AUDIT

14. Imposition of a cess on cardamom exported.—(1) There shall be levied on all cardamom which is exported, a cess for the purposes of this Act at such rate not exceeding two per cent *ad valorem* as the Central Government may, by notification in the Official Gazette, fix.

(2) The cess levied under sub-section (1) shall be in addition to any cess or duty leviable on cardamom under any other law for the time being in force.

(3) The provisions of the Customs Act, 1962 (52 of 1962) and the rules and regulations made thereunder, including those relating to refund and exemptions from duty, shall, as far as may be, apply in relation to the levy and collection of the cess leviable under sub-section (1) as they apply in relation to the levy and collection of a duty of customs under that Act of those rules and regulations.

15. Payment of proceeds of cess to the Board.—The proceeds of the cess levied under section 14 shall first be credited to the Consolidated Fund of India and the Central Government may, if Parliament by appropriation made by law in this behalf so provides, pay to the Board, from time to time, from out of such proceeds, after deducting the expenses of collection, such sums of money as it may think fit for being utilised for the purposes of this Act.

16. Grants and loans by the Central Government.—The Central Government may, after due appropriation made by Parliament by law in this behalf, pay to the Board by way of grants or loans such sums of money as the Central Government may consider necessary.

17. Constitution of the Fund.—(1) There shall be formed a Fund to be called the Cardamom Fund and there shall be credited thereto—

- (a) the proceeds of the cess made over to the Board by the Central Government;
- (b) all fees levied and collected in respect of licences issued under this Act;
- (c) any other fee that may be levied and collected by the Board under this Act or the rules made thereunder;
- (d) any grants or loans that may be made by the Central Government for the purposes of the Fund;
- (e) any grants or loans that may be made by any institution for the purposes of this Act;
- (f) all sums realised by the Board in carrying out the measures referred to in section 9.

(2) The Fund shall be applied—

- (a) for meeting the salaries, allowances and other remuneration of the officers and other employees of the Board;

- (b) for meeting the other administrative expenses of the Board;
- (c) for meeting the cost of the measures referred to in section 9;
- (d) for repayment of any loans from the Central Government or from any institution.

18. *Borrowing powers of the Board.*—Subject to such rules as may be made in this behalf, the Board shall have power to borrow on the security of the Cardamom Fund or any other asset for carrying out the purposes of this Act.

19. *Accounts and audit.*—(1) The Board shall maintain proper accounts and other relevant records and prepare an annual statement of accounts, including the profit and loss account and the balance-sheet in such form as may be prescribed by the Central Government in consultation with the Comptroller and Auditor-General of India.

(2) The accounts of the Board shall be audited by the Comptroller and Auditor General of India at such intervals as may be specified by him and any expenditure incurred in connection with such audit shall be payable by the Board to the Comptroller and Auditor-General.

(3) The Comptroller and Auditor-General of India and any person appointed by him in connection with the audit of the accounts of the Board shall have the same rights and privileges and authority in connection with such audit as the Comptroller and Auditor General has in connection with the audit of Government accounts and, in particular, shall have the right to demand the production of books, accounts, connected vouchers and other documents and papers and to inspect any of the offices of the Board.

(4) The accounts of the Board as certified by the Comptroller and Auditor General of India or any other person appointed by him in this behalf together with the audit report thereon shall be forwarded annually to the Central Government and that Government shall cause the same to be laid before each House of Parliament.

CHAPTER V

CONTROL BY CENTRAL GOVERNMENT

20. *Power to control price and distribution of cardamom.* (1) The Central Government may, by order notified in the Official Gazette, fix in respect of cardamom of any description specified therein—

- (a) the maximum price or the minimum price, or the maximum and minimum prices, which may be charged by a grower of cardamom or cardamom dealer, wholesale or retail, whether for the Indian market or for export;
- (b) the maximum quantity which may in one transaction be sold to any person.

(2) Without prejudice to the generality of the powers conferred by sub-section (1), any order made thereunder may provide—

- (a) for requiring persons engaged in the production, supply or distribution of, or trade and commerce in, cardamom to maintain and produce for inspection such books, accounts and records relating to their business and to furnish such information relating thereto as may be specified in the order;
- (b) for such other matters, including in particular the entering and search of premises, vehicles,

vessels and aircraft, and the seizure by a person authorised to make such search, of cardamom in respect of which such person has reason to believe that a contravention of the order has been, is being or is about to be committed.

21. *Power to prohibit or control imports and exports of cardamom.*—(1) The Central Government may, by order published in the Official Gazette, make provision for prohibiting, restricting or otherwise controlling the import or export of cardamom, either generally or in specified classes of cases.

(2) All goods to which any order under sub-section (1) applies shall be deemed to be goods of which the import or export has been prohibited or restricted under section 11 of the Customs Act, 1962, (52 of 1962) and all the provisions of that Act shall have effect accordingly.

(3) If any person contravenes any order made under sub-section (1), he shall, without prejudice to any confiscation or penalty to which he may be liable under the provisions of the Customs Act, 1962, as applied by sub-section (2), be punishable with imprisonment for a term which may extend to one year, or with fine, or with both.

22. *Directions by Government.*—The Board shall carry out such directions as may be issued to it from time to time by the Central Government for the efficient administration of this Act.

CHAPTER VI

MISCELLANEOUS

23. *Penalty for making false returns.*—Any person who being required by or under this Act to furnish any return fails to furnish such return or furnishes a return containing any particular which is false and which he knows to be false or does not believe to be true shall be punishable with fine which may extend to five hundred rupees.

24. *Penalties for obstructing an officer or member of the Board in the discharge of his duties and for failure to produce books and records.*—Any person who—

- (a) obstructs any member authorised by the Chairman in writing or any officer or other employee of the Board authorised by it in this behalf or any person authorised in this behalf by the Central Government or by the Board, in the exercise of any power conferred, or in the discharge of any duty imposed, on him by or under this Act; or
- (b) having control over or custody of any account book or other record, fails to produce such book or record when required to do so by or under this Act,

shall be punishable with imprisonment which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

25. *Penalty for contravention of order relating to control of price, etc.*—(1) If any person contravenes any order made under section 20, he shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both; and the property in respect of which the order has been contravened or such part thereof as the Court may deem fit, shall be forfeited to the Central Government.

(2) Any person who attempts to contravene, or abets the contravention of, any order under section 20 shall be deemed to have contravened that order.

25. Other penalties.—Whoever contravenes or abets the contravention of the provisions of this Act of any rules made thereunder other than the provisions, punishment for the contravention whereof has been provided for in section 21, 23, 24 and 25, shall be punishable with imprisonment which may extend to six months or with fine which may extend to one thousand rupees, or with both, and in the case of a continuing contravention with an additional fine which may extend to fifty rupees for every day during which such contravention continues after conviction for the first such contravention.

27. Offences by companies.—(1) Where an offence under this Act has been committed by a company, every person who at the time the offence was committed was in charge of, and was reasonable to, the company or the conduct of the business of the company as well as the company shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment, if he proves, that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.—For the purposes of this section—

(a) "company" means any body corporate and includes a firm or other association of individuals; and

(b) "director", in relation to a firm, means a partner in the firm.

28. Jurisdiction of court.—No court inferior to that of a Presidency Magistrate or a Magistrate of the first class shall try any offence punishable under this Act.

29. Previous sanction of Central Government.—No prosecution for any offence punishable under this Act shall be instituted except with the previous sanction of the Central Government.

30. Protection of action taken in good faith.—No suit, prosecution or other legal proceeding shall lie against the Government, or the Board or any Committee appointed by it, or any member of the Board or such Committee, or any officer or employee of the Government or the Board or any other person authorised by the Government or the Board, for anything which is in good faith done or intended to be done under this Act or the rules made thereunder.

31. Power to delegate.—The Central Government may, by order notified in the Official Gazette, direct that any power exercisable by it under this Act may also be exercised, in such cases and subject to such conditions, if any, as may be specified in the order, by such officer or authority as may be specified therein.

32. Suspension of operation of Act.—(1) If the Central Government is satisfied that circumstances have arisen rendering it necessary that certain of the restrictions imposed by this Act should cease to be imposed or if it considers it necessary or expedient so to do in the public interest, the Central Government may, by notification in the Official Gazette, suspend or relax to a specified extent, either indefinitely or for such period as may be specified in the notification, the operation of all or any of the provisions of this Act.

(2) Where the operation of any provision of this Act has under sub-section (1) been suspended or relaxed indefinitely, such suspension or relaxation may at any time while this Act remains in force be removed by the Central Government by notification in the Official Gazette.

33. Power of Central Government to make rules.—(1) The Central Government may, by notification in the Official Gazette, make rules to carry out the purposes of this Act.

(2) Without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

- (a) the number of persons to be appointed as members from each of the categories specified in clause (e) of sub-section (3) of section 4, the term of office and other conditions of service of the members of the Board and the procedure to be followed in the discharge of their functions by, and the manner of filling vacancies among such members;
- (b) the circumstances in which, and the authority by which, a member of the Board may be removed;
- (c) the procedure to be followed at meetings of the Board and Committees thereof for the conduct of business and the number of members which shall form a quorum at a meeting;
- (d) the maintenance by the Board of records of business transacted by the Board and the submission of copies thereof to the Central Government;
- (e) the holding of a minimum number of meetings of the Board every year;
- (f) the powers of the Board, its Chairman, the Director and Committees of the Board with respect to the incurring of expenditure;
- (g) the conditions subject to which the Board may incur expenditure outside India;
- (h) the preparation of budget estimates of receipts and expenditure of the Board and the authority by which the estimates are to be sanctioned;
- (i) the form and the manner in which the accounts should be kept by the Board;
- (j) the deposit of the funds of the Board in banks and the investment of such funds;
- (k) the conditions subject to which the Board may borrow;
- (l) the conditions subject to which and the manner in which contracts may be entered into by or on behalf of the Board;
- (m) the delegation to the Chairman or Director or members or officers of the Board of any of the powers and duties of the Board under this Act;
- (n) the staff which may be employed by the Board and the pay and allowances and leave and other conditions of service of officers (other than those appointed by the Central Government) and other employees of the Board;

- (o) the additional matters in respect of which the Board may undertake measures in the discharge of its functions;
- (p) the travelling and other allowances of members of the Board and of Committees thereof;
- (q) the remuneration and other allowances payable to the person or persons referred to in clause (b) of sub-section (2) of section 10;
- (r) the maintenance of the registers and other records of the Board and its various Committees;
- (s) the appointment by the Board of agents to discharge on its behalf any of its functions;
- (t) the form of, and the particulars to be contained in, any returns or reports to be made to the Board under this Act;
- (u) the form of and the manner of making application for licences issued by the Board the fees payable for such application and the procedure to be followed in granting, and the conditions governing, such licences;
- (v) the collection of any information or statistics in respect of cardamom;
- (w) any other matter (other than a matter specified in section 12) which is to be or may be prescribed or provided for by rules under this Act.

(3) Every rule made by the Central Government under this section shall be laid, as soon as may be after it is made, before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

Assented to on 12-12-1965.

THE METAL CORPORATION OF INDIA (ACQUISITION OF UNDERTAKING) ACT, 1965

(ACT No. 44 OF 1965)

AN
ACT

to provide for the acquisition of the undertaking of the Metal Corporation of India Limited for the purpose of enabling the Central Government in the public interest to exploit, to the fullest extent possible, zinc and lead deposits in and around the Zawar area in the State of Rajasthan and to utilise those minerals in such manner as to subserve the common good.

Enacted by Parliament in the Sixteenth Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

1. *Short title and commencement.* (1) This Act may be called the Metal Corporation of India (Acquisition of Undertaking) Act, 1965.

(2) It shall be deemed to have come into force on the 22nd day of October, 1965.

2. *Definitions.*— In this Act, unless the context otherwise requires,—

- (a) “administrator” means an administrator appointed under section 13;
- (b) “company” or “the Metal Corporation of India” means the Metal Corporation of India Limited, being a company as defined in the Companies Act, 1956, (1 of 1956), having its registered office at Calcutta;
- (c) “Tribunal” means the Tribunal constituted under section 11;
- (d) words and expressions used but not defined in this Act and defined in the Companies Act, 1956 (1 of 1956), shall have the meanings respectively assigned to them in that Act.

CHAPTER II

ACQUISITION OF THE UNDERTAKING OF THE METAL CORPORATION OF INDIA

3. *Undertaking of company to vest in Central Government.*—On the Commencement of this Act, the undertaking of the company shall, by virtue of this Act, be transferred to, and vest in, the Central Government.

4. *General effect of vesting under section 3.*—(1) The undertaking of the company shall be deemed to include all assets, rights, leaseholds (including mining leases if any), powers, authorities and privileges and all property, movable and immovable, including lands, buildings, works, mines workshops, projects, smelters, refineries, stores, instruments, machinery, locomotives, automobiles and other vehicles, mined or extracted zinc or lead ores, concentrates and metals, in process or in stock or in transit, cash balances, cash on hand, reserve fund, investments and book debts and all other rights and interests arising out of such property as were immediately before the commencement of this Act in the ownership, possession, power or control of the company in relation to the undertaking, whether within or without India, and all books of account, registers, maps, plans, sections, drawings, records of survey and all other documents of whatever nature relating thereto, shall also be deemed to include all borrowings, liabilities and obligations of whatever kind then subsisting of the company in relation to the undertaking.

(2) All property vesting in the Central Government under sub-section (1) shall, by force of such vesting, be freed and discharged from any trusts, obligations, mortgages, charges, liens and other encumbrances affecting it, and any attachment, injunction or any decree or order of a court restricting the use of such property in any manner, shall be deemed to have been withdrawn.

(3) Subject to the other provisions in this Act, all contracts and working arrangements which are subsisting immediately before the commencement of this Act and affecting the company shall, in so far as they relate to the undertaking of the company, cease to have effect or be enforceable against the company or any person who was surety or had guaranteed the performance thereof and shall be of as full force and effect against or in favour of the Central Government and enforceable as fully and effectually as if instead of the company the Central Government had been named therein or had been a party thereto.

(4) Subject to the other provisions contained in this Act, any proceeding or cause of action pending or existing immediately before the commencement of this Act

by or against the company in relation to its undertaking may, as from such commencement, be continued and enforced by or against the Central Government as it might have been enforced by or against the company if this Act had not been passed, and shall cease to be enforceable by or against the company, its surety or guarantor.

5. Provisions respecting officers and employees of the company.—(1) Every officer or other employee of the company (except a director or any managerial personnel specified in section 197A of the Companies Act, 1956, (1 of 1956) or any other person entitled to manage the whole or a substantial part of the business of the company under a special agreement) in the employment of the company immediately before the commencement of this Act shall, in so far as such employee is employed in connection with the affairs of the undertaking of the company, become as from such commencement, an officer or other employee, as the case may be, of the Central Government and shall hold his office by the same tenure, at the same remuneration and upon the same terms and conditions and with the same rights and privileges as to pension and gratuity and other matters as he would have held under the company if this Act had not been passed and shall continue to do so unless and until his employment in the Central Government is terminated or until his remuneration, terms and conditions are duly altered by the Central Government:

Provided that if the alteration so made is not acceptable to any such officer or employee, his employment may be terminated by the Central Government on payment to him by the Central Government of compensation equivalent to three months' remuneration in the case of permanent employees and one month's remuneration in the case of other employees:

Provided further that nothing contained in this section shall apply to any officer or other employee who has, by notice in writing given to the Central Government within thirty days next following the commencement of this Act, intimated his intention of not becoming an officer or other employee of the Central Government.

(2) Notwithstanding anything contained in the Industrial Disputes Act, 1947 (14 of 1947) or in any other law for the time being in force, the transfer of the services of any officer or other employee of the company shall not entitle any such officer or employee to any compensation that Act or other law, and no such claim shall be under entertained by any court, tribunal or other authority.

6. Directors and managing agents not entitled to compensation.—Notwithstanding anything contained in any law for the time being in force, no director or managerial personnel specified in section 197A of the Companies Act, 1956 (1 of 1956) or other person entitled to manage the whole or a substantial part of the business and affairs of the company under a special agreement shall be entitled to any compensation against the company or the Central Government for the loss of office or for the premature termination of any contract of management entered into by him with the company.

7. Duty to deliver possession of property acquired and documents relating thereto.—(1) Where any property has vested in the Central Government under section 3, every person in whose possession or custody or under whose control the property may be, shall deliver the property to the Central Government forthwith.

(2) Any person who, on the commencement of this Act, has in his possession or under his control any books, documents or other papers relating to the company

which has vested in the Central Government under this Act and which belong to the company or would have so belonged if the undertaking of the company had not been acquired shall be liable to account for the said books, documents and papers to the Central Government and shall deliver them up to the Central Government or to such person as the Central Government may specify in this behalf.

(3) The Central Government may take all necessary steps for securing possession of all properties which have vested in that Government under section 3.

8. Duty to furnish particulars.—The company shall, within thirty days from the commencement of this Act or within such further period as the Central Government may allow in this behalf, furnish to that Government a complete inventory of all the properties and assets (including particulars of book debts and investments and belongings) of the company at the commencement of this Act, all liabilities and obligations of the company subsisting at such commencement and also of all agreements entered into by the company and in force on such commencement including agreements, whether express or implied, relating to leave, pension, gratuity and other terms of service of any officer or other employee of the company under which, by virtue of this Act, the Central Government has, or will have, or may have, liabilities except such agreements as that Government may exclude from the operation of this section, and for this purpose, the Central Government shall afford the company all reasonable facilities.

9. Right of Government to disclaim certain agreements.—(1) Where it appears to the Central Government that the making of any agreement under which the company has or will have or may have liabilities was not reasonably necessary for the purposes of the activities of the company or has not been entered into in good faith, the Central Government may, within one year from the commencement of this Act, apply to the Tribunal for relief from the agreement and the Tribunal, if satisfied after making such inquiry in the matter as it thinks fit that the agreement was not reasonably necessary for the purposes of the activities of the company or has not been entered into in good faith, may make an order cancelling or varying the agreement on such terms as it may think fit to impose and the agreement shall thereupon have effect accordingly.

(2) All the parties to the agreement which is sought to be cancelled or varied under this section shall be made parties to the proceeding.

10. Compensation for acquisition of undertaking.—(1) The Central Government shall pay Compensation to the company for the acquisition of the undertaking of the company and such compensation shall be determined in accordance with the principles specified in the Schedule and in the manner hereinafter set out, that is to say,—

- where the amount of compensation can be fixed by agreement, it shall be determined in accordance with such agreement;
- where no such agreement can be reached, the Central Government shall refer the matter to the Tribunal within a period of three months from the date on which the Central Government and the company fail to reach an agreement regarding the amount of compensation.

(2) Notwithstanding that separate valuations are calculated under the principles specified in the Schedule in respect of the several matters referred to therein, the amount of compensation to be given shall be deemed

to be a single compensation to be given for the undertaking as a whole.

(3) The amount of compensation determined in accordance with the foregoing provisions shall be paid to the company in cash within a period of six months from the date of such determination;

Provided that if compensation is not paid within the period aforesaid, the Central Government shall pay interest on the amount of compensation at the rate of four per cent per annum from the date of expiry of the said period.

CHAPTER III TRIBUNAL

11. Constitution of Tribunal.—(1) The Central Government may for the purposes of this Act constitute a Tribunal which shall consist of a single person who is, or has been, or is qualified to be, a Judge of a High Court or of the Supreme Court.

(2) The Tribunal may choose one or more persons possessing special knowledge of any matter relating to any case under inquiry to assist the Tribunal in determining any question which has to be decided by it under this Act.

(3) The Tribunal shall have the powers of a civil court while trying a suit under the Code of Civil Procedure, 1908 (5 of 1908), in respect of the following matters, namely:—

- (a) summoning and enforcing the attendance of any person and examining him on oath;
- (b) requiring the discovery and production of documents or other material objects producible as evidence;
- (c) receiving evidence on affidavits;
- (d) issuing commissions for the examination of witnesses or documents.

(4) The Tribunal shall have power to regulate its own procedure and decide all matters within its competence, and may review any of its decisions in the event of there being a mistake on the face of the record or correct any arithmetical or clerical error therein but subject thereto, the decision of the Tribunal on any matter within its jurisdiction shall be final and conclusive.

CHAPTER IV

MANAGEMENT AND ADMINISTRATION OF THE UNDERTAKING

12. Formation of Government company for management of undertaking.—For the efficient management and administration of the undertaking of the company vested in the Central Government by virtue of this Act, that Government may form a Government company in accordance with the provisions of the Companies Act, 1956 (1 of 1956), and on the formation of such company, the undertaking together with all its properties, assets, liabilities and obligations specified in sub-section (1) of section 4 and such other properties, assets, liabilities and obligations as may hereafter be acquired or incurred for the purposes of the undertaking shall, by virtue of this Act, stand transferred to, and vest in, that Government company.

13. Appointment of administrators.—(1) Pending the formation of the Government company referred to in section 12, the Central Government may appoint

one, or more than one, administrator for the efficient management and administration of the undertaking.

(2) Such administrator or administrators shall, in the management and administration of the undertaking, act in accordance with such directions, if any, as may be issued by the Central Government in this behalf.

CHAPTER V

MISCELLANEOUS

14. Penalties.—(1) Any person who—

- (a) having in his possession, custody or control any property forming part of the undertaking of the company, wrongfully withholds such property from the Central Government or wilfully applies it to purposes other than those expressed in or authorised by this Act; or
- (b) wrongfully obtains possession of any property forming part of the undertaking of the company which has vested in the Central Government under this Act; or
- (c) wilfully withholds or fails to furnish to the Central Government or any person specified by that Government as required by sub-section (2) of section 7 any document which may be in his possession, custody or control; or
- (d) wilfully fails to furnish any particulars required under section 8; or
- (e) when required to furnish any such particulars, furnishes any particulars which are false and which he either knows or believes to be false or does not believe to be true,

shall be punishable with imprisonment for a term which may extend to two years, or with fine, or with both:

Provided that the court trying any offence under clause (a) or clause (b) of this sub-section may, at the time of convicting the accused person, order him to deliver up or refund within a time to be fixed by the court any property wrongfully withheld or wilfully misapplied or wrongfully obtained.

(2) No court shall take cognizance of an offence punishable under this section except with the previous sanction of the Central Government or of an officer authorised by that Government in this behalf.

15. Protection of action taken under this Act.—No suit, prosecution or other legal proceeding shall lie against the Central Government or an administrator or an officer or other employee serving in connection with the affairs of the undertaking for any thing which is in good faith done or intended to be done under this Act.

16. Power to make rules.—(1) The Central Government may, by notification in the Official Gazette, make rules to carry out the purposes of this Act.

(2) Every rule made by the Central Government under this Act shall be laid as soon as may be after it is made before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so however that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

17. *Repeal and saving.*—(1) The Metal Corporation of India (Acquisition of Undertaking) Ordinance, 1965 of 1965, is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the said Ordinance shall be deemed to have been done or taken under this Act.

THE SCHEDULE

(See section 10)

PRINCIPLES FOR DETERMINING COMPENSATION FOR ACQUISITION OF THE UNDERTAKING

Paragraph I.—The compensation to be paid by the Central Government to the company in respect of the acquisition of the undertaking thereof shall be an amount equal to the sum total of the value of the properties and assets of the company on the date of commencement of this Act calculated in accordance with the provisions of paragraph II less the sum total of the liabilities and obligations of the company as on the said date calculated in accordance with the provisions of paragraph III.

Paragraph II.—(a) The market value of any land and buildings;

(b) the actual cost incurred by the company in acquiring any plant, machinery or other equipment which has not been worked or used and is in good working condition and the written-down value (determined in accordance with the provisions of the Income-tax Act, 1951) (43 of 1951), of any other plant, machinery or equipment;

(c) the market value of any shares, securities or other investments held by the company;

(d) the total amount of the premiums paid by the company in respect of all leasehold properties reduced in the case of each such premium by an amount which bears to such premium the same proportion as the expiration term of the lease in respect of which such premium has been paid bears to the total term of the lease;

(e) the amount of debts to the company, whether secured or unsecured, to the extent to which they are reasonably considered to be recoverable;

(f) the amount of cash held by the company, whether deposited with a bank or otherwise;

(g) the value of all tangible assets and properties other than those falling within any of the preceding provisions.

Paragraph III.—The total amount of liabilities and obligations incurred by the company in connection with the operation, management and administration of the undertaking and subsisting immediately before the commencement of this Act.

Assented to on 13-12-65.

THE COAL MINES PROVIDENT FUND AND BONUS SCHEMES (AMENDMENT) ACT, 1965

(ACT No. 45 of 1965)

AN ACT

to amend the Coal Mines Provident Fund and Bonus Schemes Act, 1948

enacted by Parliament in the Sixteenth Year of the Republic of India as follows:—

Short title and commencement.—(1) This Act may be called the Coal Mines Provident Fund and Bonus Schemes (Amendment) Act, 1965.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. *Amendment of section 2.*—In section 2 of the Coal Mines Provident Fund and Bonus Schemes Act, 1948 (46 of 1948), (hereinafter referred to as the principal Act),—

(1) after clause (a), the following clause shall be inserted, namely:—

“(aa) “coal” includes lignite;”;

(2) for clause (b), the following clause shall be substituted, namely:—

“(b) “coal mine” means any excavation where any operation for the purpose of searching for or obtaining coal has been or is being carried on, and includes—

(i) all borings and bore holes;

(ii) all shafts, in or adjacent to and belonging to a coal mine, whether in the course of being sunk or not;

(iii) all levels and inclined planes in the course of being driven;

(iv) any open cast working or quarry, that is to say, an excavation where any operation for the purpose of searching for or obtaining coal has been or is being carried on, not being a shaft or an excavation which extends below superjacent ground;

(v) all conveyors, aerial rope-ways provided for the bringing into or removal from a coal mine of coal or other articles or for the removal of refuse therefrom;

(vi) all adits, levels, planes, machinery, works, railways, tramways and sidings, in or adjacent to and belonging to a coal mine;

(vii) all workshops situated within the precincts of a coal mine and under the same management and used for purposes connected with that coal mine or a number of coal mines under the same management;

(viii) any office of a coal mine;

(ix) all power stations for supplying electricity for the purpose of working the coal mine or a number of coal mines under the same management;

(x) any premises for the time being used for depositing refuse from a coal mine, or in which any operation in connection with such refuse is being carried on, being premises exclusively occupied by the employer of the coal mine;

(xi) all hospitals and canteens maintained for the benefit of the employees of a coal mine or a number of coal mines under the same management;

(xii) any coke oven or plant;

(xiii) any premises in or adjacent to and belonging to a coal mine, on which any plant or other machinery connected with a coal mine is situated or on which any process ancillary to the work of a coal mine is being carried on;”;

(3) for clause (d), the following clause shall be substituted, namely:—

“(d) “employee” means any person who is employed for wages in any kind of work, manual or otherwise, in or in connection with a coal

mine, and who gets his wages directly or indirectly from the employer, and includes—

- (1) any person employed by or through a contractor in or in connection with a coal mine, and
- (2) for the purposes of the Coal Mines Provident Fund Scheme, also
 - (i) any other person who is employed as a sanitary worker, mali, teacher or domestic servant in or in connection with a coal mine and who receives wages directly from the employer, and
 - (ii) any apprentice or trainee who receives stipend or other remuneration from the employer;

(4) for clause (e), the following clause shall be substituted, namely:—

“(e) “employer”, when used in relation to a coal mine, means any person who is the immediate proprietor or lessee or occupier of the coal mine or of any part thereof and in the case of a coal mine the business whereof is being carried on by a liquidator or receiver, such liquidator or receiver and in the case of a coal mine owned by a company the business whereof is being carried on by a managing agent, such managing agent; but does not include a person who merely receives a royalty, rent or fine from the coal mine, or is merely the proprietor of the coal mine, subject to any lease, grant or licence for the working thereof, or is merely the owner of the soil and not interested in the coal of the coal mine; but any contractor for the working of a coal mine or any part thereof shall be subject to this Act in like manner as if he were an employer, but not so as to exempt the employer from any liability;”

(5) in clause (f), the word “and” occurring at the end shall be omitted and after that clause, the following clause shall be inserted, namely:—

“(ff) “managing agent” has the meaning assigned to it in the Companies Act, 1956 (1 of 1956); and”.

3. *Amendment of section 3.*—In section 3 of the principal Act, after sub-section (1), the following sub-section shall be inserted, namely:—

“(1A) The Fund shall vest in, and be administered by, the Board constituted under section 3A.”.

4. *Insertion of new sections 3A to 3 D.*—After section 3 of the principal Act, the following sections shall be inserted, namely:—

“3A. *Constitution of Board of Trustees.*—(1) The Central Government may, by notification in the Official Gazette, constitute, with effect from such date as may be specified therein, a Board of Trustees for the territories to which this Act extends (hereinafter in this Act referred to as the Board) consisting of the following persons, namely:—

- (a) a Chairman appointed by the Central Government;
- (b) the Coal Mines Provident Fund Commissioner, *ex officio*;
- (c) three persons appointed by the Central Government;
- (d) not more than six persons representing Governments of such States as the Central Government may specify in this behalf,

from time to time, appointed by the Central Government;

(e) six persons representing employers, appointed by the Central Government after consultation with such organisations of employers as may be recognised by the Central Government in this behalf, and of whom at least one shall be a person who is not a member of any such organisation;

(f) six persons representing employees, appointed by the Central Government after consultation with such organisations of employees as may be recognised by the Central Government in this behalf, and of whom at least one shall be an employee himself and at least one shall be a person who is not a member of any such organisation.

(2) The terms and conditions subject to which a member of the board may be appointed and the time, place and procedure of the meetings of the Board shall be such as may be provided for in the Coal Mines Provident Fund Scheme.

(3) The Board shall administer the Fund vested in it in such manner as may be specified in the Scheme aforesaid.

(4) The Board shall perform such other functions as it may be required to perform by or under any provisions of the Scheme aforesaid.

3B. *Board of Trustees to be a body corporate.*—The Board of Trustees constituted under section 3 shall be a body corporate under the name specified in the notification constituting it, having perpetual succession and a common seal and shall by the same name sue and be sued.

3C. *Appointment of officers.*—(1) The Central Government shall appoint a Coal Mines Provident Fund Commissioner, who shall be the Chief Executive Officer of the Board and shall be subject to the general control and superintendence of the Board.

(2) The Central Government may also appoint many other officers, whose minimum monthly salary in the scale of pay (if any) applicable to them is less than four hundred rupees, as it may consider necessary to assist the Coal Mines Provident Fund Commissioner in the discharge of his duties.

(3) Subject to the provisions of sub-sections (1) and (2), the Board may appoint such other officers and employees as it may consider necessary for the efficient administration of the Coal Mines Provident Fund Scheme.

(4) The method of recruitment, salary and allowances, discipline and other conditions of service of the Coal Mines Provident Fund Commissioner shall be such as may be specified by the Central Government, and such salary and allowances shall be paid out of the Fund.

(5) The method of recruitment, salary and allowances, discipline and other conditions of service of other officers and employees of the Board shall be such as may be specified by the Board with the approval of the Central Government.

3D. *Transfer of accounts.*—(1) Where any employee who is a subscriber to any Provident Fund of the coal mine in which he is employed becomes a member of the Coal Mines Provident Fund Scheme, the accumulation in the provident fund of the coal mine standing to the credit of the employee shall, notwithstanding anything

to the contrary contained in any law for the time being in force or in any deed or other instrument establishing the provident fund but subject to the provisions, if any, contained in the Scheme, be transferred, by such person and within such time as may be provided in the Scheme, to the Fund and shall be credited to the account of the employee in the fund.

(2) Where a member of the Fund leaves his employment in a coal mine and obtains re-employment in any other establishment (not being a coal mine to which the Coal Mines Provident Fund Scheme applies) and becomes a subscriber to any provident fund of that establishment, the amount of accumulations to the credit of such employee in the Fund shall be transferred, within such time as may be specified by the Central Government in this behalf, to the credit of his account in the provident fund of the establishment in which he is re-employed, if the employee so desires and the rules in relation to that provident fund permit such transfer.

(3) Where any employee who is a subscriber to any provident fund of an establishment (not being a coal mine to which the Coal mines Provident Fund Scheme applies) leaves his employment in that establishment and obtains re-employment in a coal mine and becomes a member of the Fund, the amount of accumulations to the credit of such employee in the provident fund of the establishment left by him shall, if the employee so desires and the rules in relation to such provident fund so permit, be transferred to the credit of his account in the Fund."

5. *Amendment of section 5.*—In section 5 of the principal Act, after sub-section (2), the following sub-section shall be inserted, namely:—

"(3) The employer shall pay the bonus in accordance with the Scheme as aforesaid."

6. *Insertion of new sections 7A and 7B.*—After section 7 of the principal Act, the following sections shall be inserted, namely:—

"7A. *Schemes to be laid before Parliament.*—Every scheme made under this Act shall be laid as soon as may be after it is made, before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following, both Houses agree in making any modification in the scheme or both Houses agree that the scheme should not be made, the scheme shall thereafter have effect only in such modified form or be of no effect, as the case may be; so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that scheme.

7B. *Determination of moneys due from employers.*—(1) The Coal Mines Provident Fund Commissioner or any other officer duly authorised in this behalf by the Central Government may, by order, determine the amount due from any employer under any provision of this Act or of any scheme framed thereunder and for this purpose may conduct such enquiry as he may deem necessary.

(2) The officer conducting the enquiry under sub-section (1) shall, for the purpose of such enquiry, have the same powers as are vested in a court under the Code of Civil Procedure, 1908 (5 of 1908), for trying a suit in respect of the

following matters, namely:—

- (a) enforcing the attendance of any person or examining him on oath;
- (b) requiring the discovery and production of documents;
- (c) receiving evidence on affidavit;
- (d) issuing commissions for the examination of witnesses;

and any such enquiry shall be deemed to be a judicial proceeding within the meaning of sections 193 and 228, and for the purpose of section 196, of the Indian Penal Code (45 of 1860).

(3) No order determining the amount due from any employer shall be made, under sub-section (1) unless the employer is given a reasonable opportunity of representing his case.

(4) An order made under this section shall be final and shall not be questioned in any court of law."

7. *Amendment of section 9.*—In section 9 of the principal Act,—

(a) for sub-section (1), the following sub-section shall be substituted, namely:—

"(1) If any person—

(a) contravenes any provision of this Act or of any scheme framed thereunder, he shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both;

(b) who has been convicted of any offence punishable as aforesaid, is again guilty of any such offence within a period of two years from the date of the previous conviction, he shall be punishable on conviction with imprisonment for a term which may extend to one year, or with fine which may extend to two thousand rupees, or with both."

"(b) In sub-section (2), for the words "any such scheme", the word, brackets and figure "sub-section (1)" shall be substituted;

(c) after sub-section (2), the following sub-section shall be inserted, namely:—

"(3) No court inferior to that of a presidency magistrate or a magistrate of the first class shall try any offence punishable under sub-section (1)."

8. *Amendment of section 10.*—In section 10 of the principal Act,—

(a) in sub-section (2)—

(i) for clause (a), the following clause shall be substituted, namely:—

"(a) require an employer or any contractor from whom any amount is recoverable under section 10E—

(i) to furnish such information, or

(ii) to produce in the office of the Inspector or such other place as may be nearer to the employer or, as the case may be, the contractor, such accounts, books, registers and other documents,

relating to the employment of persons in a coal mine as the Inspector may consider necessary for the purposes of any scheme framed under this Act;"

- (ii) in clause (b), for the word "enter any, coal mine or its office", the words: "and with such assistance, if any, as he may think fit, enter and search any coal mine" shall be substituted;

(iii) in clause (c),—

- (i) after the word "employer", the words, figures and letter "or any contractor from whom any amount is recoverable under section 10E" shall be inserted;

- (ii) the words "or its office" shall be omitted;

(iv) after clause (c), the following clauses shall be inserted, namely:—

"(d) make copies of, or take extracts from, any accounts, books, registers or other documents maintained in relation to a coal mine and where he has reason to believe that any offence under this Act has been committed by, an employer or contractor, seize with such assistance as he may think fit, such accounts, books, registers or other documents or portions thereof as he may consider relevant in respect of that offence;

- (e) exercise such other powers as any such Scheme may provide.";

(b) after sub-section (2), the following sub-sections shall be inserted, namely:—

"(2A) Every person required to furnish any information or produce any document under clause (a) or clause (b) of sub-section (2) shall be deemed to be legally bound to do so within the meaning of section 175 of the Indian Penal Code, (45 of 1860).

(2B) The provisions of the Code of Criminal Procedure, 1898 (5 of 1898) shall, so far as may be, apply to any search or seizure under sub-section (2) as they apply to any search or seizure made under the authority of a warrant issued under section 98 of the said Code."

9. Amendment of section 10A.—In section 10A of the principal Act, after the words "any scheme framed under this Act", the words, brackets, figures and letters "or any accumulations required to be transferred under sub-section (1) or sub-section (3) of section 3D or any damages recoverable under section 10F or any charges payable by the employer under this Act in respect of the administration of any such scheme" shall be inserted.

10. Insertion of new section 10B to 10F.—After section 10A of the principal Act, the following sections shall be inserted, namely:

"10B. *Determination of employer in certain cases.*—

(1) Where the employer is a firm or other association of individuals, all, or any of the partners or members thereof, or where the employer is a company, all or any of the directors thereof, may be prosecuted and punished under this Act for any offence for which the employer is punishable:

Provided that where a firm, association or company has given notice in writing to the Coal Mines Provident Fund Commissioner or any officer specified by the Central

Government in this behalf that it was nominated,—

(a) in the case of a firm, and of its partners,

(b) in the case of an association, any of its members,

(c) in the case of a company, any of its directors, who is resident in each case in any place to which this Act extends and who is in each case either in fact in charge of the management of, or holds the largest number of shares in, such firm, association or company, to assume the responsibility of the employer for the purposes of this Act or of any scheme framed thereunder, such partner, member or director, as the case may be, shall, so long as he continues to so reside and be in charge or hold the largest number of shares as aforesaid, be deemed to be the employer for the purposes of this Act or any scheme framed thereunder, unless a notice in writing cancelling his nomination or stating that he has ceased to be a partner, member or director, as the case may be, is received by the Coal Mines Provident Fund Commissioner or any officer specified by the Central Government in this behalf.

(2) Where the employer is a Government or any local authority, all or any of the officers or persons authorised by such Government or local authority, as the case may be, to manage the affairs of the coal mine, shall, notwithstanding anything to the contrary contained in any law or contract for the time being in force, be deemed to be the employers or employer in respect of the coal mine and may be prosecuted and punished under this Act for any offence for which the employer is punishable.

10C. Delegation of powers.—(1) The Central Government may, by notification in the Official Gazette, direct that any power exercisable by it under this Act or any scheme framed thereunder shall, subject to such conditions, if any, as may, be specified in the notification, be exercisable also by the Coal Mines Provident Fund Commissioner or any officer authorised in this behalf by the Central Government.

(2) The Board may delegate to its Chairman or the Coal Mines Provident Fund Commissioner or any other officer of the Board, subject to such conditions and limitations, if any, as the Board may specify, such of the powers and functions of the Board under this Act or any scheme framed thereunder as the Board may deem necessary for the efficient administration of any scheme framed under this Act.

10D. Payment of contribution by employers and recovery thereof from members.—(1) The contribution shall be payable by the employer (herein after referred to as the employer's contribution) and by the employee (hereinafter referred to as the employee's contribution) at such rate as may be specified in the Coal Mines Provident Fund Scheme; and the employer shall pay the employer's contribution as well as the employee's contribution, whether or not he has recovered from any employee the employee's share of the contribution.

(2) The amount of any contribution paid by the employer on behalf of a member shall, notwithstanding anything to the contrary contained in any other law for the time being in force or any contract, be recoverable by means of deduction from the wages of the member and not otherwise.

(3) Save as otherwise provided in the Coal Mines Provident Fund Scheme, no deduction under sub-section (2) shall be made from any wages other than such as are paid in respect of the period for which the contribution is payable.

(4) Notwithstanding any contract to the contrary, the employer shall not be entitled to deduct the employer's contribution or the charges referred to in section 10A from the wages of a member or otherwise to recover such contribution or charges from such member.

10E. Recovery of money's by employers and contractors.—(1) The amount of contribution (that is to say the employer's contribution as well as the employee's contribution) and any charges referred to in section 10A paid or payable by an employer in respect of an employee employed by or through a contractor and any bonus paid or payable under any Coal Mines Bonus Scheme in respect of any such employee may be recovered by such employer from the contractor either by deduction from any amount payable to the contractor under any contract or as a debt payable by the contractor.

(2) A contractor from whom the amounts mentioned in sub-section (1) may be recovered in respect of any employee employed by or through him may, save as otherwise provided in the Coal Mines Provident Fund Scheme, recover from such employee the employee's contribution under any such Scheme by deduction from the wages payable to the employee subject to the condition that no such deduction shall be made from any wages other than such as are payable in respect of the period to which the employee's contribution relates.

(3) Notwithstanding any contract to the contrary, no contractor shall be entitled to deduct the employer's contribution or the charges or bonus referred to in sub-section (1) from the amount payable to an employee employed by or through him or otherwise to recover such contribution or charges or bonus from such employee.

10F. Power to recover damages.—Where an employer makes default in the payment of any contribution or bonus or any charges payable by him under any scheme framed under this Act, or where any person who is required to transfer provident fund accumulations in accordance with the provisions of section 3D makes default in the transfer of such accumulations, the Central Government may recover from such employer or person, as the case may be, such damages, not exceeding twenty-five per cent of the amount of arrears, as it may think fit to impose."

11. Insertion of new section 11B.—After section 11A of the principal Act, the following section shall be inserted, namely:—

"**11B. Power to remove difficulties.**—If any difficulty arises in giving effect to the provisions of this Act or any scheme framed thereunder, the Central Government may, by order published in the Official Gazette, make such provision or give such direction not in consistent with the purposes of this Act, as it appears to it to be necessary or expedient for removing the difficulty."

12. Amendment of First Schedule.—In the First Schedule to the principal Act,—

(a) in item 2, for the word "employees", the words and brackets "employees (whether employed by an employer directly or by or through a contractor)," shall be substituted;

(b) after item 2, the following item shall be inserted, namely:—

"**2A.** The manner in which employees' contributions may be recovered by contractors from employees employed by or through such contractors."

(c) for item 4, the following item shall be substituted, namely:—

"4. The constitution of any committee for assisting the Board."

(d) for item 5, the following item shall be substituted, namely:—

"5. The opening of regional and other offices."

(e) in item 7, for the words "and the maximum amount of such deduction or forfeiture", the words, "maximum amount of such deduction or forfeiture and the utilisation of such deducted or forfeited amounts" shall be substituted;

(f) in item 11, after the word "employer", the words "or contractor" shall be inserted;

(g) for item 14, the following items shall be substituted, namely:—

"**13A.** The manner in which accumulations in any existing provident fund shall be transferred to the fund under section 3D, and the mode of valuation of any assets which may be transferred by the person administering such provident fund.

14. Any other matter which is to be provided for in the Coal Mines Provident Fund Scheme or which may be necessary or proper for the purpose of implementing that Scheme."

13. Amendment of Second Schedule.—In the Second Schedule to the principal Act,—

(a) in item 6, after the word "employer", the words "or contractor" shall be inserted;

(b) for item 7, the following items shall be substituted, namely:—

"**6A.** The transfer, by an employer to the Fund or any other fund specified by the Central Government, of the amount of bonus remaining unpaid or unclaimed for a period of six months from the end of the quarter to which the bonus relates and the extinguishment of the employer's liability to his employees to the extent of the amount so transferred.

7. Any other matter which is to be provided for in the Coal Mines Bonus Scheme or which may be necessary or proper for the purpose of implementing that scheme."

14. Continuance of existing Board of Trustees.—The Board of Trustees constituted under the Coal Mines Provident Fund Scheme and functioning immediately before the commencement of this Act shall, until the constitution of a Board of Trustees under section 3A of the principal act as amended by this Act, be deemed to be the Board of Trustees constituted under the said section 3A.

15. Transfer of service of employees of the existing Board to the new Board.—Every person who is employed immediately before the commencement of this Act under the Board of Trustees constituted under the Coal Mines Provident Fund Scheme and functioning immediately before such commencement (hereafter in this section referred to as the existing Board) shall, on and from such commencement, become an employee of the Board of Trustees constituted or deemed to be constituted under section 3A of the principal Act as amended by this Act (hereafter in this section referred to as the new Board) and shall hold his office or service under the new Board by the same tenure, at the same remuneration and upon the same terms and conditions

and with the same rights and privileges as to pension, leave, gratuity, provident fund and other matters as he would have held the same if this Act had not been passed, and shall continue to do so unless and until his employment is terminated or until such tenure, remuneration and terms and conditions are duly altered by the new Board:

Provided that the tenure, remuneration and terms and conditions of service of any such person shall not be altered to his disadvantage without the previous approval of the Central Government.

Assented to on 17-12-65.

THE INDIAN TARIFF (AMENDMENT) ACT, 1965 (ACT NO. 46 OF 1965)

AN
ACT

further to amend the Indian Tariff Act, 1934

BE it enacted by Parliament in the sixteenth Year of the Republic of India as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Indian Tariff (Amendment) Act, 1965.

(2) It shall come into force on the 1st day of January, 1966.

2. *Amendment of First Schedule.*—In the First Schedule to the Indian Tariff Act, 1934 (32 of 1934), in items Nos. 34(4), 60(7), 64(3), 64(5), 68(2A), 70A, 70(5), 72(14), 72(39) and 75(16),—

(a) in the third column headed "Nature of duty"; for the word "Protective", wherever it occurs, the word "Revenue" shall be substituted;

(b) in the last column headed "Duration of protective rates of duty", the entry "December 31st, 1965", wherever it occurs, shall be omitted.

Assented to on 17-12-65.

THE UNION DUTIES OF EXCISE (DISTRIBUTION) AMENDMENT ACT, 1965 (ACT NO. 47 OF 1965)

AN
ACT

further to amend the Union Duties of Excise (Distribution) Act, 1962

BE it enacted by Parliament in the Sixteenth Year of the Republic of India as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Union Duties of Excise (Distribution) Amendment Act, 1965.

(2) It shall come into force on the 1st day of April, 1966.

2. *Amendment of long title.*—In the long title of the Union Duties of Excise (Distribution) Act, 1962 (3 of 1962), (hereinafter referred to as the principal Act), for the words, figures and letters "dated the 14th day of December, 1961", the words, figures and letters "dated the 12th day of August, 1965", shall be substituted.

3. *Amendment of section 2.*—In section 2 of the principal Act, for the words and figures "on each of the articles specified in the Schedule to this Act, as defined in the First Schedule to the Central Excises and Salt Act, 1944", the words, brackets and figures "and of the duties of excise levied and collected under the Mineral Products (Additional Duties of Excise and Customs) Act, 1958 (27 of 1958)," shall be substituted.

4. *Substitution of new section for section 3.*—For section 3 of the principal Act, the following section shall be substituted, namely:—

"3. *Distribution of a part of Union duties of excise among the States.*—During each financial year commencing on and after the 1st day of April, 1966, there shall be paid out of the Consolidated Fund of India to each of the States specified in column 1 of the Table below such percentage of the distributable union duties of excise as is set out against it in column 2:—

TABLE

State 1	Percentage 2
Andhra Pradesh	7.77
Assam	3.32
Bihar	10.03
Gujrat	4.80
Jammu and Kashmir	2.26
Kerala	4.16
Madhya Pradesh	7.40
Madras	7.18
Maharashtra	8.23
Mysore	5.41
Nagaland	2.21
Orissa	4.82
Punjab	4.86
Rajasthan	5.06
Uttar Pradesh	14.98
West Bengal	7.51

5. *Omission of Schedule.*—The Schedule to the Principal Act, shall be omitted.

Assented to on 22-12-65.

THE ADDITIONAL DUTIES OF EXCISE (GOODS OF SPECIAL IMPORTANCE) AMENDMENT ACT, 1965 (ACT NO. 48 OF 1965)

AN
ACT

further to amend the Additional Duties of Excise (Goods of Special Importance) Act, 1957

BE it enacted by Parliament in the Sixteenth Year of the Republic of India as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Additional Duties of Excise (Goods of Special Importance) Amendment Act, 1965.

(2) It shall come into force on the 1st day of April, 1966.

2. *Amendment of long title.*—In the long title of the Additional Duties of Excise (Goods of Special Importance) Act, 1957 (58 of 1957), (hereinafter referred to as the principal Act), for the words, figures and letters "dated the 14th day of December, 1961", the words, figures and letters "dated the 12th day of August, 1965" shall be substituted.

3. *Substitution of new Schedule for Second Schedule.*—In the principal Act, for the Second Schedule, the following Schedule shall be substituted, namely:—

THE SECOND SCHEDULE

(See section 4)

1. In this Schedule, "net proceeds", as respects any financial year, means the net proceeds of the additional duties in respect of sugar, tobacco, cotton fabrics

silk fabrics, woollep fabrics and rayon or artificial silk fabrics levied and collected during that financial year.

2. During each of the financial years commencing on and after the 1st day of April, 1966, there shall be paid,—

- (a) to the State of Jammu and Kashmir a sum equal to 1.5 per cent of the net proceeds;
- (b) to the State of Nagaland a sum equal to 0.05 per cent of the net proceeds; and
- (c) to each of the States specified in the first column of the Table—
 - (i) a sum equal to the amount specified against that State in the second column of the Table; and
 - (ii) if the total of the sums specified in the second column of the Table is less than 97.45 per cent of the net proceeds by any amount, a further sum equal to such percentage of that amount as is specified against that State in the third column of the Table:

Provided that if during that financial year there is levied and collected in any State a tax on the sale or purchase of sugar, tobacco, cotton fabrics, silk fabrics, woollen fabrics and rayon or artificial silk fabrics by or under any law of that State, no sums shall be payable to that State under clause (a), or clause (b), or, as the case may be, under clause (c) in respect of that financial year, unless the Central Government by special order otherwise directs.

TABLE

State	Rupees in lakhs	Percentage
1	2	3
Andhra Pradesh ..	235.24	7.42
Assam ..	85.08	1.98
Bihar ..	130.16	6.17
Gujarat ..	323.45	7.43
Kerala ..	95.08	5.65
Madhya Pradesh ..	155.17	4.62
Madras ..	282.34	11.13
Maharashtra ..	637.77	19.87
Mysore ..	100.10	5.21
Orissa ..	85.10	2.58
Punjab ..	175.19	5.01
Rajasthan ..	90.10	3.17
Uttar Pradesh ..	575.81	7.83
West Bengal ..	280.41	11.93

Assented to on 22-12-65.

THE ESTATE DUTY (DISTRIBUTION)

AMENDMENT ACT, 1965

(ACT No. 51 OF 1965)

AN
ACT

further to amend the Estate duty (Distribution) Act, 1962

BE it enacted by Parliament in the Sixteenth Year of the Republic of India as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Estate Duty (Distribution) Amendment Act, 1965.

(2) It shall come into force on the 1st day of April, 1966.

2. *Amendment of long title.*—In the long title of the Estate Duty (Distribution) Act, 1962 (9 of 1962), (hereinafter referred to as the principal Act), for the

words, figures and letters “dated the 14th day of December, 1961”, the words, figures and letters “dated the 12th day of August, 1965” shall be substituted.

3. *Amendment of section 3.*—In section 3 of the principal Act,—

(i) for sub-section (1), the following sub-section shall be substituted, namely:—

“(1) During each financial year commencing on and after the 1st day of April, 1966, the net proceeds of estate duty levied and collected during that financial year shall, after deducting therefrom a sum equal to two per cent of the said proceeds as being attributable to Union territories, be distributed among the States in accordance with the provisions of sub-section (2).”;

(ii) for clause (b) of sub-section (2), the following clause shall be substituted, namely:—

“(b) the balance shall be distributed among the States as follows:—

State	Percentage
1	2
Andhra Pradesh ..	8.34
Assam ..	2.75
Bihar ..	10.76
Gujarat ..	4.78
Jammu and Kashmir ..	0.83
Kerala ..	3.92
Madhya Pradesh ..	7.50
Madras ..	7.80
Maharashtra ..	9.16
Mysore ..	5.46
Nagaland ..	0.09
Orissa ..	4.07
Punjab ..	4.70
Rajasthan ..	4.67
Uttar Pradesh ..	17.08
West Bengal ..	8.09

Assented to on 22-12-65.

THE GOA, DAMAN AND DIU (ABSORBED EMPLOYEES) ACT, 1965

(ACT No. 50 OF 1965)

AN
ACT

to provide for the regulation of the conditions of service of persons absorbed for service in connection with the administration of the Union-territory of Goa, Daman and Diu and for matters connected therewith.

BE it enacted by Parliament in the Sixteenth Year of the Republic of India as follows:—

1. *Short title.*—This Act may be called the Goa, Daman and Diu (Absorbed Employees) Act, 1965.

2. *Definitions.*—In this Act, unless the context otherwise requires,—

(a) “absorbed employee” means a person who immediately before the 20th day of December, 1961, was holding an absorbed post and who on and after that date either served or has been serving in that or any other post in connection with the administration of the Union territory of Goa, Daman and Diu or in any of the Departments of the Central Government;

(b) “absorbed post” means a civil service or post which existed under the former Portuguese

Administration in Goa, Daman and Diu immediately before the 20th day of December, 1961.

3. *Power to make rules regulating recruitment and conditions of service of absorbed employees and employees of certain corporations.*—(1) The Central Government may make rules—

(a) for the regulation of recruitment to absorbed posts and the conditions of service of absorbed employees;

(b) for the regulation of the conditions of service of persons who were in the service of a Corporation (whether known as a junta or otherwise) immediately before the 20th day of December, 1961, and who on or after that date either served or have been serving in connection with the administration of the Union territory of Goa, Daman and Diu or in any of the Departments of the Central Government.

(2) Any such rule may be made so as to be retrospective to any date not earlier than the 20th day of December, 1961:

Provided that no person shall, by virtue of such retrospective effect, be liable to refund any amount paid to him by way of salary or allowances or pension before the making of any such rule.

(3) Every rule, made under this section shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session for a total period of thirty days which may be comprised in one session or in two successive sessions and if, before the expiry of the session in which it is so laid or the session immediately following, both Houses agree in making any modification in the rule, or both Houses agree that the rule should not be made, the rule shall, thereafter, have effect only in such modified form or be of no effect, as the case may be; so however that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

4. *Repeal.*—(1) On the making of any rule under section 3, the corresponding law, if any, in respect of any matter for which provision is made in that rule, shall stand repealed with effect from the date of the coming into force of that rule.

(2) The provisions of sections 6 and 24 of the General Clauses Act, 1897, (10 of 1897) shall apply to such repeal as if the rule and the corresponding law referred to in sub-section (1) were Central Acts.

5. *Power to remove difficulties.*—If any difficulty arises in giving effect to the provisions of this Act or any rule made thereunder in relation to any absorbed employee or any person referred to in clause (b) of sub-section (1) of section 3, the Central Government may, by order, make such provision as appears to it to be necessary or expedient for removing the difficulty:

Provided that the power under this section shall not be exercisable after the expiration of a period of two years from the commencement of this Act.

BE it enacted by Parliament in the Sixteenth Year of the Republic of India as follows:—

1. *Short title.*—This Act may be called the Union Territories (Direct Election to the House of the People) Act, 1965.

2. *Definitions.*—In this Act,—

(a) "Parliamentary constituency" has the same meaning as in the Representation of the People Act, 1950; (43 of 1950);

(b) "sitting member" means a person who immediately before the commencement of this Act is a member of the House of the People;

(c) "Union territory" means any of the Union territories of the Andaman and Nicobar Islands, the Laccadive, Minicoy and Amindivi Islands and Dadra and Nagar Haveli.

3. *Direct election to fill the seats in the House of the People allotted to certain Union territories.*—At the next general election to the house of the People and thereafter, the seats allotted under section 3 of the Representation of the People Act, 1950 (43 of 1950) to the Union territories in the House of the People shall be seats to be filled by persons chosen by direct election and for that purpose each Union territory shall form one parliamentary constituency.

4. *Amendment of Act 43 of 1950.*—In the Representation of the People Act, 1950,—

(a) in sub-section (1) of section 4, the words, "to the Andaman and Nicobar Islands, to the Laccadive, Minicoy and Amindivi Islands, to Dadra and Nagar Haveli," shall be omitted;

(b) in sub-section (1) of section 13B, for the word "each parliamentary constituency in the Union territory of Delhi," the words "a parliamentary constituency in each of the Union territories of Delhi, the Andaman and Nicobar Islands, the Laccadive, Minicoy and Amindivi Islands and Dadra and Nagar Haveli," shall be substituted;

(c) in sub-section (1) and in sub-section (2) of section 13D, for the words "the Union territory of Delhi," the words "each of Union territories of Delhi, the Andaman and Nicobar Islands, the Laccadive, Minicoy and Amindivi Islands and Dadra and Nagar Haveli" shall be substituted.

5. *Amendment of Act, 43 of 1951.*—In the Representation of the People Act, 1951, in section 4, the words "to the Andaman and Nicobar Islands, to the Laccadive, Minicoy and Amindivi Islands, to Dadra and Nagar Haveli," shall be omitted.

6. *Provision as to sitting member.*—The sitting member representing each Union territory shall continue to represent that Union territory until the dissolution of the present House of the People and if before such dissolution the seat allotted to a Union territory in the House of the People becomes vacant it shall be filled by a person nominated by the President and that person shall represent the Union territory in the present House of the People until its dissolution.

THE INDIAN TARIFF (AMENDMENT) ORDINANCE, 1965

(No. 7 of 1965)

Promulgated by the President in the Sixteenth Year of the Republic of India

An Ordinance further to amend the Indian Tariff Act, 1934

WHEREAS Parliament is not in session and the President is satisfied that circumstances exist which render it necessary for him to take immediate action;

Assented to on 22-12-65.

THE UNION TERRITORIES (DIRECT ELECTION TO THE HOUSE OF THE PEOPLE) ACT, 1965

(ACT No. 49 OF 1965)

AN
ACT

to provide for direct election in certain Union territories for filling the seats allotted to them in the House of the People and for matters connected therewith.

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of article 123 of the Constitution, the President is pleased to promulgate the following Ordinance:—

1. *Short title and commencement.*—(1) This Ordinance may be called the Indian (Tariff Amendment) Ordinance, 1965.

(2) It shall come into force on the 1st day of January, 1966.

Amendment of First Schedule.—2. In the First Schedule to the Indian Tariff Act, 1934 (32 of 1934), in items Nos. 72 (35), 72 (36) and 72 (37),—

(a) in the third column headed "Nature of duty", for the word "Protective", the word "Revenue" shall be substituted;

(b) in the last column headed "Duration of protective rates of duty", the entry "December 31st, 1965" shall be omitted.

S. RADHAKRISHNAN,
President.

R. C. S. SARKAR,
Secy. to the Govt. of India.